NUREG/CP-0011

Proceedings of Workshops on Proposed Rulemaking on Emergency Planning for Nuclear Power Plants

Held at
New York City, San Francisco, Chicago, and Atlanta
January 1980

Edited by C. A. Peabody, A. Morrongiello

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Division of Siting, Health, and Safeguards Standards
Office of Standards Development
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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PREFACE

The Nuclear Regulatory Commission (NRC) is in the process of upgrading its requirements for emergency response planning for nuclear power plants. This upgrading would be accomplished by the proposed amendments to 10 CFR Part 50, which were published for comment in the Federal Register December 19, 1979 (see Appendix A).

These proceedings are a summary of four one-day workshops held in New York City, San Francisco, Chicago, and Atlanta on January 15, 17, 22, and 24, 1980, respectively (see Appendix B for Federal Register notice of workshops). The workshops were held during the 60-day public comment period to discuss the feasibility of the proposed amendments, their impact, and the procedures for complying with their provisions. Appropriate State and local officials and utility representatives were invited to register as participants. The workshops were open to the public, and time was set aside for public comments. In addition, each State was given the opportunity to make a closing statement at the end of each workshop.

COMMENTS ON PROPOSED RULE

Comments obtained at these workshops, as well as comments received by mail, will be evaluated and used by NRC in drafting the final rule.

ORGANIZATION OF THE PROCEEDINGS

These proceedings were compiled from the transcripts of the four workshops. The complete transcripts are available for review and copying for a fee at the NRC Public Document Room, 1717 H St., NW, Washington, D.C. Because of the need to prepare and issue these proceedings on a timely basis, State participants were not sent their closing statements for checking.

A typical agenda for the day-long workshops follows. Section I of the proceedings includes typical presentations made by NRC and Federal Emergency Management Agency (FEMA) representatives at each of the workshops. Section II is a summary of comments from all four workshops by the registered participants. Section III presents closing statements made by State representatives at the workshops. Section IV summarizes the main points or comments made by general public attendees at the workshops. Section V lists (by workshop) the names and affiliations of all registered participants.

EMERGENCY PREPAREDNESS WORKSHOPS

TYPICAL AGENDA

Morning Session

8:30 - 8:45 am	Introduction - Session Chairman	
	- Purpose & Scope of Meeting - Background-Reason for Proposed Rule	Karl R. Goller, Director Division of Siting, Health and Safeguards Standards Office of Standards Development
8:45 - 9:30 am	Presentation of Proposed Rule	
	- Rationale for and Description of Proposed Rule - Differences in Requirements i.e., Plume Plume Exposure Pathway Zone compared to Ingestion Pathway Zone	Michael T. Jamgochian Division of Siting, Health and Safeguards Standards Office of Standards Development
9:30 - 10:15 am	- Criteria to be Met for Concurrence - Who Must Have Concurrence? - Review and Concurrence Procedures	Brian K. Grimes, Director Emergency Task Group Office of Nuclear Reactor Regulation
10:15 - 10:30 am	BREAK	
10:30 - 10:45 am	Federal Emergency Management Agency (FEMA)	
	Role in Overall Emergency Preparedness Training, Funding, and Model Plant Development	FEMA presentations were made by: John W. McConnell Assistant Associate Director for Population Preparedness (FEMA) and Seymour Wengrovitz Chief, Emergency Planning Branch Population Protection Division (FEMA)
10:45 - 11:00 am	Public Affairs	
	Role of Public Affairs Officials in an Emergency, Coordination Between "Responders" and the Media	Public Affairs presentations were made by the following NRC Regional Public Affairs Officers: Karl Abraham, Region I Kenneth Clark, Region II R. Jan Strasma, Region III James Hanchett, Region V
11:00 am - 12:00	Questions and Comments From General Public	
12:00 N - 1:00 pm	LUNCH	

Afternoon Session

1:00 - 4:15 pm	Discussion By Participants	Karl Goller Session Chairman

Discussion Points:

1. Requirements that State and local emergency response plans be concurred in by the NRC as a condition of operating license issuance. (NRC concurrence in State and local plans is not required at the construction permit stage.) Additionally:

   a. An operating plant may be required to shut down if a State or local emergency plan has not received NRC concurrence within 180 days of the effective date of the final amendments, or January 1, 1981, whichever is earlier.

Afternoon Session (continued)

1:00 - 4:15 pm

b. An operating plant may be required to shut down if a State or local emergency plan does not warrant continued NRC concurrence and is not corrected within 4 months of notification of NRC concurrence withdrawal.

(Discussion will include consideration of alternative proposed rules for permitting continued operation or issuance of operating licenses for an interim period where there are no concurred in plans or concurrence has been withdrawn.)

2. Requirement that emergency planning be expanded to cover "Emergency Planning Zones."

3. Requirement that detailed emergency planning implementing procedures be submitted to NRC for review.

4. The requirement that specified "Emergency Action Levels" be used by the applicant, State and local authorities.

5. Dissemination of basic emergency planning information to the public.

6. Provisions for prompt alerting of the public and instructions for public protection.

7. Requirement for having Emergency Operation Centers.

8. Requirement for providing redundant communications systems.

9. Requirement for providing specialized training to licensee and local emergency support personnel.

10. Requirement for maintaining up-to-date plans.

11. What measures can compensate for various deficiencies.

4:15 - 4:30 pm BREAK

4:30 - 6:00 pm Questions and Comments by the General Public

6:00 - 8:00 pm DINNER

8:00 - 11:00 pm Evening Session

- Additional Public Comments

11:00 pm ADJOURN

I. WORKSHOP PRESENTATIONS

A. INTRODUCTION

KARL R. GOLLER
Director, Division of Siting, Health, and
Safeguards Standards
Office of Standards Development
U.S. Nuclear Regulatory Commission

This one-day workshop is one of four being held at various locations throughout the country by the NRC and the Federal Emergency Management Agency (FEMA) staff with invited participants and other interested parties to discuss the proposed amendments to the NRC's regulations in 10 CFR Part 50 and Appendix E thereto on emergency planning [see Appendix A to these proceedings]. The invited participants are State and local government officials and utility representatives. The proposed amendments would upgrade the requirements for emergency planning near nuclear power plants as well as require NRC concurrence in State and local emergency plans as a condition of operation of the nuclear power plants.

In a few areas of the proposed amendments, the Commission has identified two alternatives that it is considering. The proposed amendments include all alternatives published in the Federal Register on December 19 (1979) for a 60-day comment period.

The principal purpose of the workshops is to obtain comments from the invited participants and other interested parties on the feasibility and the advisability of the various portions of the proposed amendments, their impacts, and the proposed procedures for complying with the provisions of the proposed amendments. For that reason, a transcript of the workshop is being taken, which will become part of the rulemaking record and which will be avail able for inspection and copying at the NRC's Washington, D.C. Public Document Room. In addition, copies can be purchased by making arrangements with the reporting company. If anyone is interested in doing so, they should communicate with the recorder during one of the breaks that we will be having today. The comments received here today, as well as all written comments received by the NRC on the proposed amendments, will be considered by the NRC staff in developing the final rule. If anyone wishes to leave written comments with me today, I will see that they are docketed as formal comments on the proposed rule so that they can be considered by the NRC in developing the final rule.

The preliminary agenda for the workshop was included in the Federal Register notice on these workshops [see Appendix B of these proceedings]. The final agenda differs only very slightly, but copies were provided to all participants when they registered, and additional copies are available at a table immediately outside this room. Also available at this table are copies of the proposed amendments, the Federal Register notice on these workshops the NRC press releases on these workshops, and copies of the slides that will be used during the presentations. As provided in the agenda, the morning session will consist of several formal presentations on the proposed amend ments by members of the NRC and FEMA staffs. In the interest of an orderly and expeditious meeting, I request that questions during the presentations be limited to any necessary clarification of the presentations and that these questions be asked only by invited participants. We would prefer that there be no comments or statements during the presentations. These should be held for the afternoon session of the workshop.

The presentations are scheduled to last until about 11:00 am, at which time we will receive comments and questions from other interested parties. As recently announced, we have now provided for an evening session for this workshop from 8:00 to 11:00 pm, which should provide ample opportunity for any and all members of the public that wish to make comments or make a brief statement to do so. In that regard, we are developing a list of those persons that want to make comments or statements. Anyone wishing to do so should sign up sometime today at the registration desk in the hall. We will take the speakers in the order in which they sign up on this list.

We plan to adjourn for lunch at about 12:00. The afternoon session will begin at 1:00 pm. The first part of the afternoon session of the workshop will consist of an item-by-item discussion of the points listed in the Federal Register notice that announced these workshops, which are also listed in the agenda for today's workshop.

The afternoon workshop part of our meeting will be limited to the designated representatives from the State and local government and utility invitees. These designated representatives, if they have not already done so, should register at the desk in the hall and, at least during the afternoon discussion period, should be seated at the appropriate table toward the front of the room. The discussion will be on a "round-table" item-by-item basis. If any participants wish to make a general statement, I would appreciate their letting me know of this before the afternoon session so that I can make appropriate arrangements to receive such a statement. All other meeting attendees are encouraged to observe the afternoon session, but they cannot participate in that portion of the workshop. This arrangement is necessary to assure obtaining the maximum amount of information from these invited State and local government officials and utility representatives. This is important because these officials and utility representatives will be the ones who actually develop and implement the emergency planning that would be required by the proposed rule.

After this workshop discussion, at about 4:15 pm, as indicated in the agenda, we will take a short break. Then we will reconvene to continue to receive comments and questions from other interested parties. Initially, during this period, we may hear from a few elected government officials who have indicated that they would like to make a statement. Thereafter, we will continue to hear from any persons who have signed up to speak. I will call on the speakers in turn to come to one of the microphones provided. By having added the evening session, there should be ample time for everyone that wishes to speak to do so. I request, however, that speakers confine their initial remarks to commentary on the proposed amendments and that each speaker limit his remarks to about five minutes. If, as a result of this, there is any extra time remaining tonight, anyone that wishes to supplement his remarks will be welcome to do so.

Also, I want to point out again that the proposed rule is currently in a 60-day comment period so that anyone may and is encouraged to submit any amount of pertinent information to the NRC in writing.

I would like to request that as many invited participants as possible attend the evening session. The NRC will be happy to extend the per diem allotment for those individuals that the NRC is sponsoring to this meeting, if that is necessary, to enable them to attend the evening session.

With everyone's cooperation, I believe that this workshop can provide all interested parties an opportunity to present their points of view and will provide the NRC with the information that it needs to write the best possible final rule.

B. PRESENTATION OF PROPOSED RULE

MICHAEL T. JAMGOCHIAN
Environmental Protection Standards Branch
Office of Standards Development
U.S. Nuclear Regulatory Commission

This morning I'm going to make a brief presentation on the rationale for and a description of the proposed emergency planning rule changes.

In mid-1979, the NRC issued an advance notice of proposed rulemaking announcing its intent to upgrade the emergency planning regulations. Using the comments received in response to this advance notice and other sources of information, the staff developed and the Commission approved the proposed amendments before us.

The rationale that was used in developing the rule changes based on real or perceived emergency preparedness problems experienced at Three Mile Island was (1) that the offsite emergency plans must be both adequate and demonstrated to be workable in time of an emergency and (2) which is a change from past practice, that emergency planning should now be viewed as an equivalent to siting and design rather than as a secondary but additional measure to be exercised in the event of an emergency.

These conclusions, shown in Slide 1, were fundamental in the development of the proposed regulations. Keep these conclusions in mind when providing your comments.

Slide 2 lists the documents and reports that were also used in the development of the proposed rule changes.

I will now briefly describe what was outlined or recommended in each one of these reports.

The NRC/EPA task force report on emergency planning recommended the development of emergency planning zones: (1) about a 10-mile plume exposure pathway emergency planning zone and (2) approximately a 50-mile ingestion pathway emergency planning zone.

The NRC siting policy task force report recommended remote siting, and it embraced the concept of approximately a 10-mile plume exposure pathway emergency planning zone.

The Government Accounting Office (GAO) report on emergency planning came out a couple of days after the accident at Three Mile Island. It recommended that the Commission approve State and local government emergency response plans. GAO did not use the word "concur" but recommended NRC approval in State and local emergency response plans. This report also recommended that basic emergency planning information be disseminated to the public around nuclear facilities. It also embraced the concept of the emergency planning zones (EPZs) that were laid out and recommended in the NRC/EPA task force report.

The NRC authorization bill, Senate Bill 562 (also called the Hart Bill), recommended concurrence in State and local emergency response plans prior to the issuance of an operating license and as a condition for continued operation of nuclear power plants.

The remaining reports essentially indicated that we needed better emergency preparedness, primarily as a result of Three Mile Island.

Next, I would like to describe the alternatives in the proposed amendments [Slide 3]. Throughout the Federal Register Notice, you may have noted several pairs of alternatives. The first pair of these alternatives differs primarily in the course of action that would follow nonconcurrence, lack of concurrence, or withdrawal of concurrence in relevant State or local emergency response plans.

Under Alternative A, an order to show cause why the licensee should not shut down the plant may be issued. But the order to show cause would not be made immediately effective unless the Commission determined in that particular case that the safety risks were sufficiently serious to warrant such immediate action.

Under Alternative B, the licensee would be required to shut down the plant immediately unless and until an exemption was requested by the licensee and granted by the Commission.

Now, I'd like to discuss the various sections that are proposed to be changed in 10 CFR Part 50 [Slide 4]. There were four sections that were modified: 10 CFR §50.33, "Contents of an Application"; 10 CFR §50.47, "Emergency Plans" (this is a new paragraph that was added to our regulations); 10 CFR §50.54, "Conditions of Licenses"; and a major change to 10 CFR Part 50, Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities."

The proposed changes that were made to 10 CFR Part 50, Appendix E, are primarily expansion and clarification changes. Many of the proposed changes were previously outlined in Regulatory Guide 1.101, "Emergency Planning for Nuclear Power Plants." Now, let's look at the actual changes that are proposed to be made to the specific regulations.

Under 10 CFR §50.33, "Contents of Applications, General Information," [Slide 5] the proposed rule change would require that an applicant submit any existing emergency plans for governmental entities within the plume exposure pathway emergency planning zone, which is about 10 miles. This proposed rule change does not require that all governmental entities have NRC concurrence in their emergency response plans at the time of submitting an application for an operating license. It does require that, if the plans exist (and they should since the plant has been under construction for some time), they be submitted with the application. This requirement is also for any plans that exist for such less immediate actions as are appropriate to protect the food ingestion pathway emergency planning zone, which would be about 50 miles. For this ingestion pathway emergency planning zone, we are not looking for an elaborate emergency plan but for the State, not the local government, to have established the methods for removing contaminated foodstuffs from the food chain. Similarly, marketing channels should be identified in advance in order that timely protective measures can be taken, if necessary, as well as land-use and water-use data relating to food crops, animal feeds, pasture, dairy herds, and livestocks used for foods and surface water supplies. These proposed requirements for the ingestion emergency planning zone apply to Sections 50.33, 50.47, 50.54, and the new Appendix E.

Under 10 CFR §50.47, "Emergency Plans," [Slide 6] which, as I mentioned, is a new paragraph to our regulations, it states that no operating license will be issued unless NRC has concurred in the appropriate State and local

governmental emergency response plans for that specific facility. However, an operating license may still be issued if an exemption is granted. I will discuss exemptions later in my presentation.

Under 10 CFR §50.54, "Conditions of Licenses," [Slide 7] the Commission proposes to add four new requirements. The first would require NRC concurrence in State and local emergency response plans within 180 days from the effective date of these regulations or by January 1, 1981, whichever is sooner, in order for the plant to continue operation. The second would require continued concurrence of State and local governmental emergency response plans. The third would require maintaining a state of emergency preparedness. And the fourth would require compliance with the new Appendix E by licensees.

There are exemptions that would be possible for the first two requirements [Slide 8]. The bases for such exemptions are the same for 10 CFR §50.47 as well as for 10 CFR §50.54. Exemptions could be granted when (1) the deficiencies in the plans are not significant for the plant in question, (2) the alternative compensating actions have been or will be taken promptly, or (3) there are other compelling reasons to permit operation.

Now, it's very important to note that it is only necessary to have <u>one</u> of these in order to either continue operation or to receive an operating license, not all three of them.

I'd like to provide an example for each. In order for a State or local government to obtain NRC concurrence, there is new guidance coming out, but the basis for that guidance is NUREG-75/111, "Guide and Checklist for Development and Evaluation of State and Local Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities." There are 70 basic elements that must be met. If, as a result of an exercise, a State and local government finds out that they are missing one of those 70 elements and it is not very significant (for example, as a result of the exercise you note that you need another ambulance or that you need another communication network, your communication system was not adequate, and you find that the county or the State does not have the money to provide that)--if that element can be met in some other manner (in other words, alternative compensating actions)--if that county can obtain a communications system or network from another county or from the State or from the licensee, that's fine. We're interested primarily in the functional capability. Can communications properly be worked out? That's what we're concerned with.

In reference to the last exemption, that there are other compelling reasons to permit operation, we were concerned primarily for something major such as an oil embargo.

Slide 9 shows the proposed 10 CFR Part 50, Appendix E. When the staff developed this new Appendix E, we used as a basis the old Appendix E. We looked at areas that we felt needed expansion and clarification as a result of experience, as a result of the Three Mile Island accident, and as a result of the reports that I showed on the second slide. The first of the major proposed changes is the specification of emergency action levels. In proposing this, we wanted to stress the coordination and agreement with State and local governments and the licensees.

The second major proposed change is dissemination to the public of basic emergency planning information. This is not considered extremely significant as far as the cost is concerned. Many licensees and State and local governments have already reached agreement in doing this kind of thing. It is felt that an annual mailing would be sufficient to comply with this type of requirement.

The third proposed change calls for provisions for prompt alerting of the public and instructions for public participation. The regulation calls for 15-minute alerting time. The staff is looking for a provision that, if a licensee has certain plant parameters, it should promptly notify the State or local government; and that

provisions should be available, once the State and local government receives this alert, that within 15 minutes essentially all the population should be able to be notified.

The next proposed change to 10 CFR Part 50, Appendix E, is for one onsite technical support center and one near-site emergency operations center. This is not a significant departure from current practice since it was basically outlined in Regulatory Guide 1.101.

Another proposed change is redundant communications systems. This also is not a significant departure from current practice because it was also outlined in Regulatory Guide 1.101.

Specialized training is another major proposed change to Appendix E. This is a proposal to train offsite support personnel prior to the time of emergency. As a result of the Kemeny Commission report, we concluded that when the licensee conducts its orientation type of training programs, the local news media personnel should be invited to participate.

The final proposed change to Appendix E calls for provisions to maintain emergency plans. This, again, is not a significant departure from the regulatory position in Regulatory Guide 1.101.

RATIONALE FOR
AND
DESCRIPTION OF
PROPOSED RULE CHANGE

CONCLUSIONS DRAWN BY COMMISSION

- MUST KNOW THAT OFF-SITE GOVERNMENTAL PLANS HAVE BEEN REVIEWED AND FOUND ADEQUATE.

- EMERGENCY PLANNING NOW VIEWED AS EQUIVALENT TO, RATHER THAN SECONDARY TO, SITING AND DESIGN, IN PUBLIC PROTECTION.

ADDITIONAL BASES FOR RATIONALE FOR PROPOSED RULE CHANGE

- NRC/EPA TASK FORCE REPORT ON EMERGENCY PLANNING
- NRC SITING POLICY TASK FORCE REPORT
- GAO REPORT ON EMERGENCY PLANNING
- NRC AUTHORIZATION BILL (S.562)
- HOUSE REPORT NO. 96-413
- PRESIDENT'S COMMISSION ON THE ACCIDENT AT THREE MILE ISLAND
- NRC EMERGENCY PLANNING TASK FORCE (1979)
- PUBLIC COMMENTS ON THE ADVANCE NOTICE OF PROPOSED RULEMAKING

SLIDE 2

ALTERNATIVES

	A	B
50.33	NONE	NONE
50.47	NRC CONCURRENCE NO OL UNLESS APPLICANT DEMONSTRATES	NRC CONCURRENCE OR NO OL UNLESS EXEMPTION GRANTED
50.54	NRC CONCURRENCE BY DATE OR NRC MAKES DETERMINATION	NRC CONCURRENCE BY DATE OR SHUTDOWN
50.54	LOSE NRC CONCURRENCE, NRC MUST MAKE DETERMINATION	LOSE NRC CONCURRENCE REQUIRES IMMEDIATE SHUTDOWN

- 10 CFR SECTION 50.33, CONTENTS OF AN APPLICATION
- 10 CFR SECTION 50.47, (NEW), EMERGENCY PLANS
- 10 CFR SECTION 50.54, CONDITIONS OF LICENSES
- 10 CFR PART 50, APPENDIX E, EMERGENCY PLANNING AND PREPAREDNESS FOR PRODUCTION AND UTILIZATION FACILITIES

PROPOSED 10 CFR SECTION 50.33

CONTENTS OF APPLICATIONS; GENERAL INFORMATION

FOR AN OL, SEND IN STATE AND LOCAL GOVERNMENT EMERGENCY RESPONSE PLANS WITHIN EMERGENCY PLANNING ZONES

- PLUME EXPOSURE PATHWAY, ABOUT 10 MILES, ALL PLANS
- INGESTION PATHWAY, ABOUT 50 MILES, PLANS FOR FOOD

PROPOSED 10 CFR SECTION 50.47

EMERGENCY PLANS

NO OL WILL BE ISSUED WITHOUT CONCURRENCE IN STATE AND LOCAL GOVERNMENT EMERGENCY RESPONSE PLANS, UNLESS. . .

PROPOSED 10 CFR SECTION 50.54

CONDITION OF LICENSES

- FOR OPERATING PLANTS, SUBMIT CONCURRED IN STATE AND LOCAL EMERGENCY RESPONSE PLANS BY DATE OR BE SHUT DOWN, UNLESS. . .
- FOR OPERATING PLANTS, IF STATE AND LOCAL PLANS LOSE CONCURRENCE, EITHER THE DEFICIENCIES ARE CORRECTED OR PLANT IS SHUT DOWN, UNLESS. . .
- MAINTAINING EMERGENCY PREPAREDNESS
- FOR OPERATING PLANTS, COMPLY WITH THE PROPOSED APPENDIX E

EXEMPTIONS

- DEFICIENCIES IN THE PLAN(S) ARE NOT SIGNIFICANT FOR THE PLANT IN QUESTION

OR

- ALTERNATIVE COMPENSATING ACTIONS HAVE BEEN OR WILL BE TAKEN PROMPTLY

OR

- THERE ARE OTHER COMPELLING REASONS TO PERMIT OPERATION

10 CFR PART 50

PROPOSED APPENDIX E

CLARIFICATION AND EXPANSION

- SPECIFICATION OF "EMERGENCY ACTION LEVELS"
- DISSEMINATION TO THE PUBLIC OF BASIC EMERGENCY PLANNING INFORMATION
- PROVISIONS FOR PROMPT ALERTING OF THE PUBLIC AND INSTRUCTIONS FOR PUBLIC PROTECTION
- ONE ON-SITE TECHNICAL SUPPORT CENTER AND ONE NEAR-SITE EMERGENCY OPERATION CENTER
- REDUNDANT COMMUNICATIONS SYSTEMS
- SPECIALIZED TRAINING
- PROVISIONS FOR UP-TO-DATE PLAN MAINTENANCE

C. IMPLEMENTATION OF THE PROPOSED RULE

BRIAN K. GRIMES
Assistant Director for Engineering
and Projects
Division of Operating Reactors
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission

While the purpose of this workshop is principally to go over the proposed rule and to get your comments on impacts and possible alternative ways of meeting the objectives of the rule, I thought it would be of use to go over, as background, other activities that are going on in this area that I think are of interest. I'll ask you this morning not to raise site-specific questions, or if you do raise a problem that you particularly have, that you phrase it in a general way so it is of interest to all participants.

I'd like now to go over the new criteria that are being developed for reactor operators and State and local government emergency preparedness; to tell you about a recent memorandum of understanding that has been negotiated between FEMA, the Federal Emergency Management Agency, and the NRC; some status on the team reviews, the evaluation team reviews that have been out to many of your facilities; a few words about pending legislation in the Congress; and finally, a few words about the term "concurrence" as it's used in the proposed rule.

With respect to the new criteria, these are joint, or will be, joint FEMA-NRC criteria for emergency preparedness. The criteria will address the reactor operator and the State and local government needs in this area. The format of the new criteria will be very similar to that now in NUREG 75/111, which is a guide and checklist for offsite emergency plans. It will be a consolidated criteria, but will indicate the applicability of particular items to either the operator or State or local government or, in many cases, all three organizations. The idea behind putting all three in one document is to emphasize the need for an integrated planning effort, and an integrated review effort, of the emergency preparedness capabilities.

The criteria themselves are a combination of Regulatory Guide 1.101, NUREG 75/111, a letter to all power reactor licensees dated October 10, 1979, and the proposed rule that you have before you, primarily the revision to Appendix E.

I think the basic message I want to leave with you is by and large, the criteria are a consolidation, that the previous guidance is now stated in a criteria or requirement format; however, the elements are the same. I'll go over a few of the significant upgrades that will appear in these criteria, most of which you are already familiar with.

First, the criteria will call for uniform action levels. This has been brought to your attention in NUREG-0610 ["Draft Emergency Action Level Guidelines for Nuclear Power Plants"], which was published for comment in September [1979]. The comment period ended in December and we are currently reviewing those comments. I have read the comments myself and will discuss them briefly in a minute. First, I think I'll describe the emergency classes

called for in that document. They are notification of unusual event, the alert category, the site emergency or site area emergency, and the general emergency--those four classes. There are also various actions described as appropriate for each class.

Based on my reading of the comments, I would foresee no significant change to the basic structure of the document. We did get some good comments on needed redefinition of particular examples, and in a few cases, an example may shift from one category to another. But, in general, use of NUREG-0610 is appropriate as interim guidance, and work done on the basis of that document will not have to be substantially redone.

The second significant upgrade is a requirement for capability for prompt notification of the public. The emergency action levels in NUREG-0610 call for notification of State and local people for all the accident or event classes, and the more serious accidents call for, in turn, notification by State and local governments of the public. This would be a notification, an alert for people to turn on their radios and then a radio message as to what the nature of the emergency is and what they are expected to do in response to that emergency.

The third significant requirement is emergency planning zones. This is a change from previous plans, which were primarily restricted to low population zones. Emergency planning zones are 10 miles for the plume exposure pathway, where one would be concerned with actions to protect people directly from radiation, and a 50-mile ingestion zone, where one would be concerned with confiscating food products such as milk or intercepting the pathway so that radiation is not delivered to people.

There are two upgrades that have not been out on the street yet, and these go to reactor operators rather than to State and local governments. Because these have not been out yet, they will not be treated in quite the same way as the rest of the document; the rest of the document will be out for interim use and comment. The following two items will not have implementation schedules established until we get comments on them.

The first upgrade for operators is an increase in minimum shift staffing requirements. In other words, the number of people that must be on shift and the various disciplines/capabilities to respond to radiological emergencies to assist in responding to plant equipment problems. This sort of thing will be specified as well as the capability to quickly augment the on-shift staff.

The second significant upgrade for operators is in the area of meteorological instrumentation. The quality of meteorological instrumentation onsite will be specified to be comparable to that now called for in NRC's Regulatory Guide 1.23 ["Onsite Meteorological Programs"]. There will also be requirements for redundant power sources to that instrumentation. There will be a requirement for a backup set of instruments, for example, on a telephone-pole type installation. There will also be a requirement that this information be capable of being questioned from offsite, for example, over a telephone line. A standard format for the type of data to be available will be specified in an appendix to the criteria.

The criteria will be published as a joint FEMA-NRC report for interim use and comment.* I would expect it to be available very shortly, within I hope, a couple of weeks.

The FEMA and NRC have established a joint steering committee, which has reviewed these criteria in some detail, and the weekend before last, we worked all weekend and reached agreement on all points. FEMA, this last week, has also had a number of its regional people reviewing the criteria in detail, getting familiar with the criteria,

*Editor's Note: This report is now available as NUREG-0654, FEMA-REP-1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Powerplants," February 1980 (45 FR 9768).

and I understand that there have been a number of primarily editorial changes now incorporated in the document and agreed between NRC and FEMA. I will be helping in the final preparation of that document when I return to Washington.

The cooperation between NRC and FEMA brings up the next point, which is the memorandum of understanding between the two agencies. You probably know the President, in a statement on December 7, 1979, gave FEMA the lead role in offsite preparedness and planning. The memorandum of understanding spells out what the working relationship is to be between FEMA and NRC in the planning area. We have yet to write a similar memorandum in terms of actual response to an emergency on the part of FEMA and NRC and in the area of public affairs.

The NRC is an independent agency, and while FEMA can take the lead in the development of offsite plans and review these plans, NRC, as a legal requirement, must continue in its licensing process to make the overall judgment as to whether to license particular facilities. That includes making a judgment on the adequacy of onsite and offsite emergency plans and the integration of these plans. However, to avoid duplication of staff effort, the NRC will be using FEMA essentially as a consultant, similar to what it does in the geological area with the U.S. Geological Survey (USGS) and perhaps even a little more heavily than in that area.

FEMA, in our licensing process, will make available to us a review and assessment of offsite emergency plans which will be attached to our safety evaluation. FEMA will then also provide witnesses to support their findings in NRC licensing proceedings.

To assist FEMA in getting started on this assessment role, NRC has detailed to FEMA, until about the end of June 1980, 13 people, primarily from its Office of State Programs. In the short term, the nuclear power plant evaluation team reviews will continue with FEMA reviewing the offsite plans. As of the end of December, we had completed 22 of the approximately 50 sites to be visited. There are two scheduled in January of which, I believe, one has already been completed. There are seven more scheduled in February. I hope by April to have completed all of the initial team visits.

The result of the team review will be the issuance of a safety evaluation report, which (1) will give FEMA and NRC's assessment of the status of emergency plans onsite and offsite, (2) will set forth the major deficiencies that we find, and (3) will also comment on the schedules for upgrading specific areas where deficiencies have been identified. I hope this will provide some feedback to you on whether we think you are going in the right direction in upgrading your emergency plans.

The team reviews emphasize the NRC and FEMA intent that preparation and evaluation of these plans be an integrated effort.

I'd like to say a few words now about pending legislation. As you all probably know, there have been Senate and House bills passed in the form of authorizing legislation for the NRC for the next fiscal year, which would require several things in the emergency preparedness area. The NRC has gone on record as saying that these requirements would be better handled in the rulemaking process rather than putting specific requirements in Federal legislation. We expect the Congress to have a conference report sometime in February, and at that time we will know whether these specific items, which call in some cases for studies and in other cases for very specific concurrence by NRC in offsite plans, will pass.

If some provisions of the bill stand, some additional effort would be necessary later this year to comply with whatever the specific wording may be. But we don't believe that the efforts that are ongoing are at all inconsistent with that possibility.

The NRC proposed rule with respect to concurrence has a slightly different connotation than has been used in the past. The proposed rule reads, "concurrence in State and local plans which are associated with a particular site." This means that a State could gain or lose concurrence on a plan with respect to a particular site. If the off-site plan had deficiencies with respect to one site, that would not necessarily mean that it would lose concurrence with respect to other sites within a State. So the site-specific aspect is an important concept in the new rule, and you will be hearing a little bit later from John McConnell, from FEMA, on how FEMA will be handling the off-site assessments.

The memorandum of understanding calls for FEMA to provide to the NRC findings and determinations on the offsite plan, and then the NRC would make any formal concurrence finding.

We have had some comments that perhaps the word "concurrence" should be replaced with reference to specific criteria rather than a separate concurrence concept; or that the concurrence concept should be replaced by a memorandum of understanding between NRC and the particular organizations involved, the offsite organizations involved, specifying the requirements for a specific site. We will take those into account, and we'd like your thoughts on this area, also.

D. ROLE OF FEDERAL EMERGENCY MANAGEMENT AGENCY

JOHN M. McCONNELL
Assistant Associate Director
for Population Preparedness
Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) was established by Reorganization Plan Number 3 of 1978 by two executive orders. It is a relatively new agency, the first elements of which were put together in April of 1979. The Director of FEMA, John W. Macy, Jr., reports directly to the President. He and his Associate Directors were nominated and have been approved by the Senate.

The reorganization consolidated the functions of five separate agencies dealing with emergency preparedness, response, and mitigation and merged them into one agency. The five predecessor agencies included the Federal Insurance Agency, the U.S. Fire Administration, the Defense Civil Preparedness Agency, the Federal Disaster Assistance Administration, and the Federal Preparedness Agency.

Functions in addition to those carried with those agencies to the new agency were added by the President in his assignment. These included earthquake hazard reduction, dam safety, severe weather community planning, and a number of other features.

FEMA has a broad charter: to prepare for all types of emergencies, including natural disasters such as hurricanes, tornadoes, earthquakes, and nuclear attack, and the charter is broad enough to include preparation for radiological emergency response planning for areas adjacent to nuclear reactors.

On December 7, 1979, the President, in response to recommendations of the Kemeny Commission, directed that FEMA assume the responsibility for all offsite nuclear reactor planning and response and that the following activities would be accomplished. I'll read the 10 numbered items that were in the President's specific charter to FEMA. And I point out that this is without regard to the licensing process and without regard to pending legislation that might cause the emergency planning offsite to be associated with the licensing process. It was, as you would recognize, a direct result of the TMI incident, lessons learned there, and studies made of that event.

1. FEMA is to take the lead in offsite emergency planning and response.
2. Complete by June 1980 the review of State emergency plans in those States with operating reactors.
3. Complete as soon as possible the review of State emergency plans in those States with plants scheduled for operation in the near future. And when it says State emergency plans, it means also the associated local plans.
4. Develop and issue an updated series of interagency assignments to delineate respective agency capabilities and responsibilities and clearly define procedures for coordination and direction for both emergency planning and response.
5. Assure that the Department of Energy resources and capabilities for responding to radiological emergencies are available and augmented as needed to service civilian-related radiological emergencies.

6. Assure the development of programs to address the Kemeny report recommendations for additional research and public education needs.
7. Address the need for improved advance preparation for emergencies and public education programs in the context of State emergency response plans.
8. Provide the States with technical assistance whenever appropriate.
9. Develop procedures for dissemination of information during an emergency.
10. Report periodically to an oversight committee appointed by the President and to the President on progress made, and advise the oversight committee on the need for further Federal assistance. The latter is pretty important in our initial assessments of the situation.

FEMA will pursue the charter in the following manner, having worked out the memorandum of understanding with the Nuclear Regulatory Commission. FEMA and NRC have jointly developed and will soon publish standards--we'll call them standards; you may call them criteria--that will be the basis for the assessments of State and local government plans. These standards or criteria are essentially those that many of you are already familiar with, essentially from NUREG 75/111, as modified by the incorporation of the emergency-planning-zone concept in NUREG-0396. That means those criteria that involve the planning to evacuate people from areas within 10 miles of the facility for the inhalation hazard and the planning for the ingestion hazard affecting the food supply system within a 50-mile radius. Also included are several new requirements based on lessons learned in the Three Mile Island incident.

I might say that we've done a lot more than that in developing this new criteria. It has been reformatted and with much better explanation as to what is meant by the criteria. And, as Brian Grimes said, it is laid out so that it shows clearly the necessities and specifics for interface between the onsite and the offsite planning. It is designed not only for review and assessment purposes, but for planning purposes as well. We think that it will be very helpful to the planner from a format standpoint.

In that regard, FEMA has been dealing with the members of our agency who have been previously involved in the regional advisory committee process and working with the States on developing plans. We are expanding that effort tremendously in our regional offices. On the 5th, 6th, and 7th of February, we're having a large meeting near Washington that will involve about 100 of our regional people from the 10 FEMA regional offices to expand the capability for us to send people to and with the State, down to the local level to actually physically assist in the planning. That's not the only asset we're throwing into the breech.

FEMA, is working closely with the other Federal agencies whose personnel participate in the regional advisory committees; that is, NRC, Department of Transportation, Department of Energy, Food and Drug Administration, and Environmental Protection Agency, and we are adding the U.S. Department of Agriculture for the 50-mile zone potential problems. The regional advisory committee (and I would like to change the meaning to reflect the fact that it will now become a regional assistance committee) will actually work with and assist the States rather than advise and review. I hope it will be quite a contrast to past practices and procedures not only in the timely development of the plans, but in the review of the plans.

It should be noted that we anticipate that all existing plans will require some modification to meet the new plan acceptance criteria, even though those may have received previous NRC concurrence. FEMA will use its own conscience in being critical with regard to whether or not the plans are more than paper plans and actually do represent an effective capability. There's quite a difference between a plan and a capability, and with the great amount of experience that is in the agencies that have been combined into FEMA, we think we know the difference between a plan and a capability.

Upon receipt of the plan from its regional offices, where the regional advisory committee members have made an initial assessment, FEMA headquarters will make the final review and assessment of the plans to determine their adequacy and capability of being implemented. These findings of adequacy, in the form of findings and determinations or a listing of deficiencies, will be formally communicated to the governors of the affected States and to the NRC. As was pointed out earlier, copies of the plans will be available to NRC and the other Federal agencies during the period of review by FEMA.

First priority will be given to review and assessment of plans for locations where reactors are in operation. These reviews are to be accomplished by June 30, 1980. Although we're giving priority and much initiative to those particular States, we will also be working with the other States, of which there are 40 in total, that have reactor facilities either under construction or in the planning stage. In providing technical assistance to States and local governments, we'll take these actions.

At the present time, the States have a contract with FEMA to provide for planning against nuclear attack. This includes the employment of planners who have been trained specifically through a long series of developmental work and research to do many of the functions that equate to the potential problems around the reactor site, i.e., mainly, evacuation planning.

FEMA has authorized the regional offices to negotiate with the States for a modification of the contracts to make these planners available full-time for the task of assisting with the preparation of plans in connection with the criteria for nuclear reactor emergency preparedness for the next 6 months. There are 130 of these planners in the 40 states that are involved ultimately in preparation of emergency response plans. In that regard, we are doing what we are doing through a sense of urgency expressed by the President, and we want to do an intensive job for about 6 months. We think by that time we will have accomplished a great deal. I'm particularly concerned with the timing because of the appearance of the international situation at the present time. We intend for the nuclear civil protection planners who are diverted to this project to go back to their nuclear attack preparedness efforts by the first of July.

The President has submitted to Congress, along with his charter to FEMA, a request for a supplemental budget. The total was $65.1 million, a bulk of which would go to NRC for certain technical matters and to the Department of Energy; but $8.9 million of that amount is earmarked for FEMA to provide essentially assistance to the States.

As a part of that, we plan to make available funds to employ an average of about two additional planners for each State to work on this project as their sole mission. Our internal planning calls for those people to be continued indefinitely in future years without regard to how they will be funded. We think it is necessary for every State to have, depending on the number of reactors and the complexity of the situation with regard to high population, one to three full-time people who would have the sole function of assuring that the plans are continually updated and to participate in and develop the annual exercises that are required.

On January 11, Mr. Macy, the FEMA Director, wrote to the governors of the 40 states advising them of the kind of assistance we are attempting to make available. The letter also indicated that the FEMA regional directors would soon meet with the governors' representatives to work out the specific assistance desired and to provided. That will occur in each State sometime in mid-February; and although we're not standing still in the meantime, we hope we will be prepared at that time to lay out a specific program with the State with ultimate goals and intermediate goals that will allow us to determine what our problem is and where the focus of assistance really needs to be intensified in order to meet the President's requirement for a review by June 30. We intend that review to show as optimistic a picture as possible. We would dislike very much to go to the President on the 30th of June and say that a State hasn't expressed its interest and cooperation to the point where we've been able to make substantial

progress in developing or redeveloping the plans to meet the new criteria. So we're going to try to help the States to paint as rosy a picture as possible as soon as possible. That's our objective.

The supplemental budget request also contains a small grant to certain States with reactor sites in high population concentrations. There are about ten that have on the order of 100,000 people or more within the 10-mile EPZ. And we know that they need additional assistance, in some cases in the form of traffic management planning and other elements that are involved in evacuation planning.

FEMA will also undertake the development of a more specific Federal response plan, by whatever title. This is contemplated in the S-562 Bill, which passed the Senate. We recognize it as a normal FEMA function and will undertake to construct, beyond the skeleton that we have on hand at the present time for interim use in case of an emergency today or tomorrow, a Federal response plan that will incorporate and identify all of the Federal agencies' functions and assure coordination. This will include NRC's response to the licensee, DOE's response to the monitoring requirement through their interagency radiological assistance program, and other agencies' functions. FEMA will provide the active coordination of that effort in an emergency as well as in preparation of the plan and will assign a Federal coordinating officer to be actively engaged, on the scene, with the State in assuring coordination and response by other Federal agencies that are needed in the event.

FEMA is undertaking an improvement in the guidance for exercises. We will publish specific exercise materials and testing guidance, including instructions and training on how to observe and evaluate an exercise. In that process, we will also undertake to provide a series of scenarios from which the State and utility can choose, so that the same scenario is not used year after year or from one plant to another where there is more than one plant in a State.

I expect there will be a lot of discussion about information, education, and training today. FEMA will continue the existing training programs for State and local personnel that were initiated by NRC and will introduce new courses as appropriate. Don't ask me what those are because it's under review and study at the present time; but there will be an intensified effort to coordinate and make available training courses and material without regard, at the moment, as to who pays the cost. It will be FEMA's responsibility to assure that the training programs for offsite training are coordinated, available, and conducted.

A separate memorandum of understanding is being worked out with NRC with respect to public information in particular. There will probably be a separate one for training. FEMA anticipates that public information materials of a generalized nature will be developed which describe the radiation problem and protective actions that can be taken. Such materials will be devised so that they can be made site-specific by the State and the local communities involved in connection and in coordination with the utility.

FEMA will follow through on a small research program to complete the development and make a pilot production run of a new type, low-range dosimeter. This instrument will measure radioactive iodine and is designed for use at the local level. While the instrumentation exists for nuclear attack, these instruments need to be redesigned or modified to effectively read radiation levels at very low ranges. Also, studies on radioprotective substances such as the thyroid blocking agent will be continued. We anticipate that a small portion of this supplemental budget will be used to purchase a quantity of KI, potassium iodide, in the pill form. It is currently available from a manufacturer. We wish to study the problems of distribution, storage, and emergency distribution in case they would be needed. At the same time, we will study the problem of mass purchase and mass stockpiling if this seems to be warranted.

In summary, I'd like to say that FEMA is taking this charter very seriously, even though it is by far not the only problem we have nationwide. FEMA has some 2400 people, most of whom are in the regional offices, but we're

dealing with all kinds of potential emergencies. This one is getting the most focus at the present time and will until we're satisfied that it can be reduced to a routine, ongoing, updating process within the next few months or a year. The 12 people who have been detailed to FEMA from NRC, most of whom are known to many of you, are of the highest type individual in the Federal government. I'm very much impressed with them, and we want to keep them, not only through this detail, which is assigned for 6 months, but permanently. Slots are being established and a new division has been created in FEMA for this to be a permanent functional element of FEMA.

I would like, however, to point out that the effort in FEMA, although focused in that division and around those people, will not be the only interests and assets that FEMA is using. We have an extensive training and education office. In the future, the FEMA Director of Training and Education will chair the Federal Interagency Central Coordinating Committee training task group that has been in existence for some years. They will continue to develop course material for your kind of problem. The FEMA Public Information Officer will form a task group and chair a committee of all the Federal agencies represented in the problem. They will work with State and local governments and the utilities on the overall public information and education program. We have in my office, which is an office within the Office of Plans and Preparedness, extensive experience and people who have been in the business of emergency planning, emergency training, and emergency systems development for many years. They are all available to contribute to the solutions to this problem in the areas of warning, emergency communications, emergency operating centers, and all the other features that you State and local people in particular know have to be accommodated to handle an emergency.

So it's with great emphasis and enthusiasm that FEMA will be participating in this because we take our role very seriously.

E. PUBLIC AFFAIRS CONSIDERATIONS IN EMERGENCY PLANNING

KARL ABRAHAM
Public Affairs Officer
Region I
U.S. Nuclear Regulatory Commission

The Public Information Program--and I'm using that as an all-embracing term--in the event of a nuclear power plant accident or some other nuclear materials emergency is probably going to be dealt with in three phases:

The first one is really the thing that takes place before the accident, in a broad education program, to allow the public to find out what the existing emergency plans are, and what the public would be expected to do in some particular emergency. I think that is going to be falling very heavily within the province of the new Federal Emergency Management Agency.

There are many commonalities there. There is really a need for uniformity. We are a very mobile society, and people should understand that when they go somewhere else, they don't have to learn a whole new strategy for what to do if the siren or the whistle blows. And I think that people are going to look very much to FEMA for guidance on that.

The second area is the specific telling of the public at the time of the accident what parts of the plan are going to be implemented now, and what particular protective action the public is expected to take.

That decision, as has been discussed a number of times this morning, is going to be a local and State governmental responsibility. It is set up that way under the law, but it is also expected that there will be both FEMA and NRC information provided to these governments, and guidance as appropriate to assist them, where necessary, in making that decision.

The third phase is the long haul after the accident. There has to be a program for providing general information on a continuing basis to satisfy the news interest of the public and of the news media during the weeks or months after the immediate emergency. In connection with Three Mile Island, the news center operated at full blast for 7 weeks and then tapered back.

It now appears reasonable that the information on the offsite emergency aspects--who has been evacuated, where have they gone, how are they being taken care of, and so on--that much of that is going to fall within the FEMA's sphere of responsibility, and the onsite or actual reactor-related information may be the NRC's and utility's responsibility.

The specific lines of responsibility are going to be spelled out in a separate memorandum of understanding that is going to be executed in the near future between the respective Offices of Public Affairs of FEMA and of the NRC.*

*Editor's Note: The Memorandum of Understanding between NRC and FEMA was published in the Federal Register January 24, 1980 (45 FR 5847).

It anticipated that the NRC-FEMA coordination of public information activities will take place at the regional level as well as at the Washington level.

We believe there should be a joint news center where information contributions of the NRC, other Federal agencies, the utilities, or other licensees and the local and State agencies can be distributed to serve the information interests of the public and of the news media. We urge you to plan along these lines, recognizing that further guidance will be provided.

The purpose of this rulemaking proceeding is to devise an effective way of maximizing NRC's encouragement of local and State governments to make effective emergency plans. Public information requirements will be identified and defined as well as the strategies for implementing them. In addition, the responsibility for implementing them will be fixed.

I think that the public information officers of the local and State agencies and of the utilities should expect to be involved very actively in this process, and we welcome your thoughts and your suggestions. Providing information to the public and the news media is a very essential part of handling an emergency, and each of us has an obligation to address that need in a cooperative way.

II. SUMMARY OF REGISTERED PARTICIPANTS' COMMENTS

A. INTRODUCTION

Registered participants included State and local government officials and utility representatives. Their comments are summarized below.

B. SUMMARY OF PARTICIPANTS' COMMENTS

1. General Comments

Many workshop participants expressed concerns relative to the entire spectrum of emergency preparedness problems. These general comments are presented first, followed by more detailed summaries of specific topics.

a. Funding for State and Local Government Emergency Preparedness

Some speakers felt that NRC should have a definitive statement saying that utilities will pay for the emergency plans. Some communities receive no tax money from the plants; therefore, they felt that they should not have to use their own money to keep it in operation. Others felt that the Federal Government should fund the plans, since the 10-mile EPZ may create hardships. Also the Federal Government could fund several full time emergency preparedness directors at the local level. Another comment was that NRC should consider sharing licensing fees with the States.

b. The Role of FEMA

There was much confusion as to what role FEMA would have. Presently FEMA cannot compel any State or local government to have an emergency plan. The NRC has onsite emergency planning responsibilities. If FEMA is to have offsite responsibilities, it should provide the resources to State and local governments to write and test a plan. This includes money and manpower. Also, the roles of NRC and FEMA in an accident should be clear so that State and local authorities can properly plan.

c. Coordination or Conflict with State Laws

One comment was that the bulk of the work under the rule is governmental; communications should be Federal to State to local. A county in Florida had to turn down a utility's offer to cover the cost of sirens, because the county attorney considered it illegal. Also local governments may not have legal authority to compel other local governments to work with them. Coordination between contiguous States may take longer than the 180 days to accomplish. NRC or FEMA will have to directly assist those contiguous States such as West Virginia or Kentucky with plans. Since there are no reactors in certain States, there is no compelling reason to have a plan. Further, if a State for whatever reason does not want the reactor operating, it could deprive people in another State of power they need. It was suggested that NRC provide for this type of situation when it licenses the plant. One State concluded that an elite agency in the State government should not be mandated in law to take charge of the offsite plant responsibilities.

d. Land Use

NRC should control population in the area of the nuclear power plant once it is built. Emergency plans may be adequate when the plant is built, but years later additional people could present problems. It was further suggested that NRC explore the possibility of imposing land use planning on the State without getting

into the constitutional problems of trying to usurp the operational land use planning rights on behalf of the State. If we look at the situation before the fact, perhaps some of the emergency response problems would not be problems.

e. Legal Authority

Many participants felt that NRC had no authority to promulgate a rule such as the one proposed. A participant suggested that the alternatives are arbitrary and capricious. If all items in the Checklist (NUREG-75/111) are not significant, they should not be considered at all. Other comments were of the nature that NRC has statutory authority only inside the limits of the plant site. It appears that NRC is trying to circumvent the law by laying responsibility on the utility for providing for State and local plans. Finally, NRC and FEMA should seek additional legislation to compel State and local governments to have emergency plans, if that is what is necessary.

2. Concurrence Process

A few participants addressed the question of alternatives offered in the concurrence process. Four State participants favored Alternative A as offering the most latitude. One representative from local government favored Alternative B as the correct way to work with State and local governments.

The proposed requirement for concurrence generated comments that were connected with the proposed regulation implementation schedule. The majority of these comments concerned the fact that the concurrence process does not affect the ability to respond. Nonconcurrence does not necessarily constitute an imminent threat to the public, and the State and local government have responsiblity for public safety. If NRC feels that they share this local responsibility to the degree that concurrence is the keyword, they should also share the responsibility for the safety of the people. The States are seeking a partnership in the concurrence process. More thought has to be given to how to achieve more cooperation between State and local governments, FEMA, and NRC. Definitive criteria and objectives by which a State can write or revise a plan to meet concurrence have not yet been established by FEMA. Since the guidelines have not yet been finalized, it was questioned how NRC or FEMA could judge the accuracy of State and local procedures. Even when the criteria are published, nonconcurrence could result because of the short time frame that is provided for obtaining concurrence.

It was agreed that concurrence should be granted on a site-by-site basis. However, it was pointed out that a problem could arise when a State has preemptive power over local governments in issuing the regulation and certification for location, construction, and operation of a nuclear power plant. For example, a local government could refuse to cooperate or plan for an emergency. In those cases, concurrence could be stopped for political rather than safety reasons. To protect against an effective State or local veto of reactor operations as well as arbitrary shutdown by the Commission, licensees, their customers, and the shareholders have a right to expect that shutdown after licensing will be based only on violation of objective minimum safety criteria for onsite and offsite emergency response. One speaker objected to the concurrence provisions because they fail to set forth objective minimum safety criteria for offsite emergency response.

An alternative approach to the concurrence process was offered by one commenter. It was suggested that instead of saying the license will be revoked if the State does not have approved plans, you should say the license will be revoked if the State has not entered into a memorandum of understanding (MOU) with the Federal government. The rule should require all involved to enter into a MOU before a license is issued or a reactor is allowed to continue to operate. The MOU would state the criteria that the State, locals, utility, FEMA, and NRC agree are appropriate for the plant.

It was mentioned that in some States (e.g., Washington), the State has preemptive rights over local jurisdictions in regulation and certification for location, construction, and operation of a nuclear power plant. It was asked whether regulations would concern themselves with various State restrictions. While some States have no problem with formulating a plan, they feel it is not right to submit the plan through a utility to a Federal agency.

It was also suggested that perhaps State and local governments would more readily upgrade their plans (and thereby obtain NRC concurrence) if FEMA could provide matching funds to State and local governments. It was felt that this would provide incentive for States and local governments and also remove the threat of a shutdown to a utility. Another commenter thought FEMA could also provide Federal aid if the plans meet the acceptance criteria, thereby assuring an effective emergency plan. Many commenters agreed that FEMA should have the lead role in this since they have experience in general emergency planning.

Much discussion ensued on emergency planning in contiguous States. If a State has neither a plan nor a desire to formulate one, how should the State and utility proceed. Will NRC provide for this situation?

3. Schedule for Implementation

The schedule for implementing the proposed rule was considered to be unrealistic and in some cases in conflict with various State schedules already in existence. A sampling of the comments on the implementation schedule as unrealistic follows:

a. The 180 days in the schedule is an insufficient amount of time to accomplish tasks of this magnitude; the Federal government does not work with such speed. States are bureaucracies also; there is no reason to assume they can work faster. It took years of working with States to get the plans that are presently concurred in. It is just insufficient time for new concurrences and review. Also, to get a job done within that time frame means a hurried job--rather than an acceptable and meaningful plan.

b. The time provided is inadequate for States to acquire the hardware needed. States must go out for competitive bids just as the Federal government does. Between processing and accepting a bid and actual delivery of equipment, it may take a year to get the hardware. Also, the State budgets years ahead. If a State or local government needs more money, it may have to go to the legislature This is a time-consuming public process that may not fit the Federal schedule.

c. NRC and FEMA could not review 70 or more plans and provide concurrence by January 1, 1981. The Federal government moves slowly. The participants do not think that NRC and FEMA can review all the plans within the time frame scheduled. If the Federal government cannot meet its schedule, why or how should the States?

d. Funding could not be appropriated by State and local governments before the deadline. It was suggested that the Commission use H. Rept. #96-413 ("Emergency Planning U.S. Nuclear Power Plants: Nuclear Regulatory Commission Oversight") for the time frame rather than that in the proposed rule or use a sliding-scale time frame since States are at various stages of completing their emergency plans.

4. Impact of Proposed Rule

The proposed regulations were considered by some participants as unfair to utilities because they place the utility in the political and financial role that FEMA should be assuming. NRC is in effect giving State and local governments veto over the operation of a nuclear plant. It was questioned whether this was an intent of the rule. A utility representative suggested that NRC licensees under the proposed rule would carry out the State emergency planning function that NRC is having difficulty dealing with. He suggested that NRC provide more alternatives and come up with the means and methods for States to resolve the problems. In addition, it was felt that the utility, its customers, and its shareholders should not be penalized by a shutdown (with a resulting financial burden) because of alleged deficiencies or lack of cooperation by State and local officials. It is a questionable exercise of NRC powers to shut down a plant because of events occurring outside the plant boundaries in areas that are not under control of the utility. It was further questioned whether NRC could punish the industry retroactively for failure to comply with regulations which did not exist when licenses were originally issued. Holding a utility's license is not going to impress the ratepayers in the years to come when power is needed.

It was suggested that NRC's Office of Inspection and Enforcement conduct the reviews of State and local governmental emergency response plans in order to assure prompt, effective, and consistent implementation of the proposed regulations.

A participant noted that the public should be made aware of the issue of intermediate and long-term impacts of plant shutdowns. Specifically, the participant thought people must be informed of the possibility of "brownouts," cost increases to the consumer due to securing alternative energy sources, and the health and safety factors associated with those alternative sources.

5. Compensating Actions

Only a few participants commented on compensating actions. A commenter suggested that the level of competency that State and local governments have displayed previously in the area of emergency response should be taken into account when the term "compensating measures" is evaluated by the Commission. Another participant suggested that any deficiency, whether it is viewed as significant or not, should have an appropriate compensating measure. If the deficiency is insignificant, the alternative compensating measure would be equivalent to the need. One participant wondered if the fact that the county was either in the process of writing a plan or in the process of appropriating money for one would be a compensating action. He asked this because the county he is in had a plan, but it was ruled null and void when a quorum court did not approve the plan because the plan obligated the county to make appropriations.

6. Funding Requirements

An overwhelming number of comments concerned providing the necessary funds for the training and equipment needed to implement the proposed rule. To resolve this funding question, it was suggested that (1) legislation be introduced that would allow utilities to pass the cost of the proposed requirements on to their consumers, (2) the Federal government fund all emergency planning efforts either directly to State and local governments by using utility licensing fees or by special taxes, or (3) the NRC share its licensing fees with the States. It was often stated that it was impossible to fund the changes that would be required because the budget had been already approved and no additional money could be allocated in the 1980 budget.

Concern was expressed that while $65 million was being requested in support of planning for fixed nuclear facilities, most of the money was going to planning and publication, not hardware.

7. Emergency Planning Zones (EPZs)

It was suggested that emergency planning considerations, including the EPZs, be completely evaluated by NRC prior to the issuance of a construction permit. Some felt that the EPZs had been set by the NRC as a compromise among Staff, not based on technical criteria. Others felt that the EPZs should be site specific and not arbitrarily set at 10 and 50 miles for the nation.

Another participant said that we may be presumptuous to plan in Canada, and there may be similar circumstances with regard to Mexico. Areas where we do not have jurisdiction must be taken into account, especially in the case of a foreign country.

Another participant defined the size of the EPZ as the configuration surrounding a particular reactor determined in relation to the emergency response needs and capabilities as they are affected by such local conditions as demography, topography, land, access roads, and local jurisdictions.

Another commented that the EPZs were not a major problem in themselves. But tying them to warning systems, etc., means large amounts of dollars, and that is where problems lie. A low-population zone would not have sophisticated communication systems already in place. A high-population zone would have a more sophisticated communication system that can be of some use. But again, if you have to go into evacuation, you are facing another problem.

8. Emergency Action Levels

One commenter stated that if the guidance in NUREG-0610 ("Draft Emergency Action Level Guidelines for Nuclear Power Plants") is going to be a requirement, it should be footnoted or at least mentioned in Appendix E, paragraph 4(b), which discusses accident assessments.

For the alert classification, the NRC gives the utility 8 hours after closeout to provide a written summary of the event. The participant commented that 24 hours or even longer is more realistic. The State and Federal Government would have had communication all along by the verbal summary.

Several participants suggested that hospitals and prisons be provided with adequate guidance on emergency action levels. The participants made the staff aware of the fact that in some States only the governor has the authority, by statute, to recommend evacuation.

9. Demonstrating Emergency Preparedness

a. Requirement for Having an Emergency Operations Center

There was much discussion that the type of emergency operation center (EOC) needed by the utilities be clearly defined and uniformly named. "I think the rules should either specify the functional requirements of the center, call it what you want, or have a document which indicates functionally what is to be done." Concern was expressed about the location of a near-site emergency operation center. Participants suggested locating the center farther away from the power plant to begin with, especially if there is a possibility of having to move it because

of escalating accident conditions. As an example, the log at TMI showed that DOE and NRC had to have a standby evacuation team prepared to move the temporary EOC that was established. The Federal Government was forced to have contingency plans.

Another concern expressed by some participants was that all parties involved (State, local, and utility) should be at the same center to have better control of the situation. In addition, States have limited manpower. They may prefer telephone communications. One commenter suggested using two centers: one onsite and one offsite at 10 miles. The commenter added that, at a cost of $250,000 each, it is extremely important to know exactly how many centers are needed.

The term "emergency operations center" gave some participants problems because it has specific connotations of blast protection, etc., in civil preparedness. Other names offered were emergency operating center, crisis management center, and offsite control center.

It was suggested that the EOC be the place that contains the resources necessary to maintain local government during an evacuation of the 10-mile EPZ.

b. Requirement for Providing Redundant Communications Systems

A comment was made that "redundant communication systems" needed to be clearly defined. Another commenter suggested that a new communications system not be developed but that existing emergency systems be utilized. To be productive, it is better to maintain some conformity with already existing procedures for emergency opeations. If the system is to be expanded, the whole ball game should not be changed. The communications dealing with public information and emergency operations have to be coordinated. The State is not interested in developing a different system for nuclear. It should be part of or at least compatible with the emergency system that exists for other disasters. Participants also voiced concern as to the way the proposed rule is worded in that communication to the local governmental authorities appears optional. It was felt that, because the local government officials are expected to be the first to respond, they should be included in the communications system. A participant also suggested that the communication system should be from licensee to local government to State government to Federal government without disruption of this chain because they are dealing with the problem at the front line. The local governments do not want to be cast out as they were at TMI.

c. Specialized Training

A participant suggested that while it is a good idea to train the local news media, they should be trained separately from the licensee and local emergency support personnel.

Participants agreed that specialized training is a good idea. However, when it is a requirement, there should be criteria against which one judges it. Another comment suggested exams so that people pass or fail. Also, the curriculum should be developed with some input from State and local governments.

Another participant commented on the NRC-funded course currently given at the Nevada Test Site. There are long time lags for participation; the course is booked a year ahead. Will the same problems plague utility training?

It was questioned whether it is cost effective to have each licensee develop training courses. Also, since there is frequent turnover in State and local employees, how frequently would courses have to be given?

Participants agreed that drills were a good idea. It was suggested that emergency response drills should be held during working hours for the following reasons: (1) most of the objectives can be obtained during a work-hour drill, (2) drills held after working hours would be very expensive (who would be responsible for paying for these drills?), and (3) after-hours drills are essentially testing only notification procedures and the ability of people to get from home to their assigned places.

One commenter doubted that there could be a major exercise at every operating plant within one year after the effective date. Its takes a lot of effort and the Federal government could not do 70 major tests in a year.

d. Maintaining Up-to-Date Plans

A participant raised the issue of who was going to pay for maintaining up-to-date State and local government emergency response plans, the utility, the State, or the Federal government?

The requirement that detailed implementing procedures be submitted to NRR was opposed by a commenter because there are usually delays. They suggested submittal to IE because that office has had experience in inspecting and working informally to get procedures up to par.

A commenter was concerned whether changes to the implementing procedure to keep them up to date would require the same licensing review as before.

10. Informing/Alerting the Public

Much discussion related to clarification of the 15 minute notification requirement. One participant believed it had to be taken together with the planning requirement for the EPZs. Many commented that the notification was not possible, expecially in rural areas. The responsibility of State and local government is constrained by the rule because the notification is a constitutional responsibility of the State.

Many commented that the public really does not know what to do when sirens go off. NRC really can not expect the public to know there is an incident at the plant. It has been State experience that there is no response with sirens. There should not be a specific warning signal for evacuation. A few participants suggested a standardized siren system so that all people would know what to do.

Some participants commented on the message authentication scheme, saying that it is a critical operational consideration. It was suggested that the procedure be an NRC or FEMA responsibility to eliminate confusion. At some given time interval, it should be tested. It was felt that telephone numbers be proprietary information; if made public, the alerting process could easily be disrupted through tying up of the lines by people who wish to see the plan fail.

Another participant labelled the outdoor warning system as inadequate and not workable in rural areas that usually surround nuclear plants.

One participant wanted the rule to be clarified to read that not all accidents at a power station require prompt notification of the public. Another participant wanted to have more consideration of those items that would constitute the implementing of the decision. If the warning is going to be a critical item, write it into the regulations - don't leave it as a footnote.

Many participants favored the provision in the proposed regulation that required the annual dissemination of basic emergency preparedness information to the public. It was suggested that, in addition to a yearly information supplement to customers' bills, all new customers should receive the emergency information with their initial bill.

It was suggested that a "basic" plan which is a product of the local government and the utility be distributed to the public. It was also added that the local civil defense should not have to pay for production and distribution of the plan.

It was further suggested that this information be included in the front of the telephone book, lest planning material sent with the bill be treated as "junk mail." Another suggestion was that only basic types of emergency planning information should be mailed to residents, not detailed evacuations plans.

III. CLOSING STATEMENTS BY STATES

PENNSYLVANIA: James N. Lothrop, Pennsylvania Emergency Management Agency

I haven't prepared any formal statement on the proposal. We did submit an informal list of our comments, and we will more than likely respond formally to the request for comments on the register.

We appreciate from the State the opportunity to come and talk and the opportunity to listen to the comments from the interested public.

I would like to make this comment: that I think that we feel a little hurt that we as State, county, and local representatives are not included in the general term "public," because we are. I'd like to thank the panel for the opportunity to attend.

NEW JERSEY: Jack Stanton, New Jersey Department of Environmental Protection

I just have three points that I would like to make in summing up.

First of all, that the Nuclear Regulatory Commission must, definitely must, involve the States in the whole planning activity. I think we would have serious problems with submitting our plans through the utility to you for concurrence, approval, review, whatever. I have no problem at all with us having a plan, working with you, and if specific facilities were then coming in their review, pull out our plan, and say this is what the State will do, this is how it fits into our plan, this is the overall picture. But I think it's just a point of view of how we handle our own emergency situations. We would have great difficulty with submitting the State plan through the utility to a Federal agency in New Jersey.

We have got a fairly decent plan that we have worked and we have drilled several times. The Department of Environmental Protection, the State police, are mainly involved in it, so we feel that basically the State has to be involved in this crucial area, and that NRC can't just dump it on the utility and walk away. We will discuss a major point that we had today. You've got to get used to the idea of working with States. If this takes legislation, then you should be seeking it. That's our position.

Second, considering Three Mile Island, a major point that we feel is we must know, and I know you addressed some of that today, how NRC is going to react to a real emergency. We want to factor that into our plans, so we avoid some of the confusion at Three Mile Island. So that we know possibly how many people you will be sending; what will we need; can we provide it for you before you come.

We have an emergency operation headquarters that's equipped with radio, dedicated telephone lines, helicopters. We are in constant contact with the State police. We could make it all available to you, so there would be one focal point, not two or three. So we feel the need for a State plan to be totally complete, we would have to know how the Federal government is going to react to a real emergency.

The third thing I would like to point out that concerns us is the 15-minute warning time. Not so much the warning time, we totally agree with that. But more thought and a lot more work has to go into just who is going to make the decisions or take the actions after the recommendations from the utility.

Clearly, in many of our cases, New Jersey having so many counties, and in the case of both reactors, different States, I think it would be chaotic to assume that you are going to go out with the siren playing and ask people to turn on their radio, and then have six different county executives saying we think you should evacuate, this one says no. I think before anything goes final on that, we have got to know who will make these kinds of decisions. I think the initial and quick alert or notice to the public is essential. But we have to find some way to react in a coordinated way.

This is a big concern of State police, who are responsible for the State evacuation plan. If counties go all different ways, and they have no overall control over evacuation plans and checkpoints.

So basically, in summing the three points that we'd like to make at today's meeting is number one, we feel the NRC has to change its mode of operation and learn to react to the States in any future dealings, and once again we say if this requires a change in legislation, which it might, we request you start looking into that area.

Second, we feel it is essential for an approved and complete State plan; we have to have some idea how you are going to react to an actual emergency.

And third, we need from the State, the facility, the government, and yourselves, the agency for Federal planning, to determine who will make key decisions, once the initial alert is sounded.

Who will decide what actions are going to be taken?

NEW YORK: John Matusezk, New York State Department of Health

I think the gentleman from New Jersey and I were practically working from the same set of notes and comment here.

I want to support the specific points he made, and draw attention in particular to a couple of aspects that this relates to.

The question of roles, I think this has got to be addressed in detail, and very clearly spelled out, at the time the accident happens, what are the rules of the State, FEMA, and the NRC? That's still not quite clear out of this rulemaking.

Furthermore, the whole issue of the funding has got to be explored in a broad sense, as that ties to the time element, the January 1st, 180 days, or whatever. There are a number of legal ramifications on how things can be transferred, which I don't think had been explored before the rulemaking and are being proposed. And I think now there may be some difficulties in some direct transfer.

I do appreciate the opportunity of learning some things that we had some questions about. I think you have clarified the 15-minute issue to a fair extent, as to what it will apply to, and the kind of alert action you are anticipating. That was very helpful. I think one of the things that we do not need out of all this is work on a model plan for the agency. I think from my background on model plans, that this would be a direct application here from NRC because you are still in kind of a vacuum. This proposed rulemaking is going to help, but you are changing [NUREG] 75/111. I don't know how much. You are saying not too much, but without saying it in writing, we are not too clear where we are going. So the more rapidly you complete the process, the better we can participate in the whole effort in getting something going.

STATE OF WASHINGTON: Gerald Sorenson, Washington Public Power Supply System

You have already mentioned the problems of the States with pre-emptive statutes. I would state that the State of Washington also prefers Plan A as representing a positive approach, and that the determination of shutting down a plant should be a rational and deliberate decision. I think it will allow for compensating measures to be incorporated in the decision.

Perhaps there will be a case where reduced power might be an adequate answer, rather than or as opposed to either full operation or full shutdown. I think there is some need for the NRC to be able to resolve problems of cooperation between contiguous States where, for instance, the Trojan plant is almost on the borderline with the State of Oregon. I think there should be some way of resolving any differences between the States of Oregon and Washington in the preparation of emergency response planning. I think that has to be discussed with the NRC. That would conclude the comments that I have to add at this time.

TEXAS: Clarence Born, Governor's Divison of Disaster Emergency Services, State of Texas

I would like to say with regard to the proposed rules, we would favor something that gives a review of the site-specific considerations, rather than an automatic order to shut down in the event that concurrence is withdrawn from State and local plans. But, beyond that, and far more basic than that, the State of Texas -- and, I am sure, every other State in the United States -- by constitution and by statute is charged with protecting and preserving the lives and property of its inhabitants, whether they be residents, visitors, or people flying through.

When we receive volumes, and I mean literally file cabinets full of regulations, hearings, rulings, discussions concerning incidents at nuclear facilities that were told by that same agency would happen once in 100,000 years, and that we are requested to spend man-weeks and man-years to respond to those far out instances, it takes away from the credibility of the agency. Please, give all consideration to the effect and efficacy of the things you are requiring, before you put them in writing and before you make them mandatory to the State. Consider whether it is worth doing, and then consider whether it isn't already being adequately addressed by some other agency.

OREGON: Don Godard, Oregon State Department of Energy

We would like to express appreciation again for the NRC's cooperation and help in emergency planning in developing this, and we would like to cooperate with you in emergency planning and do everything we can to accomplish that. I don't think we need a rule to do that, but if you think we need a rule, okay. In general, we like Rule A, rather than B, but we think the timetables are unrealistic. We don't know what your criteria are yet, and I am not sure you can review plans in that short of a time. I think if you do have a requirement, that we enter into it with an MOU [Memorandum of Understanding]; and I will elaborate on that in my written comments.

Concerning who is making the decisions under the proposed rules, it appears that the NRC staff establishes the criteria and and the NRC staff then decides whether or not a plan is concurred in, and then it is up to the

Commission to decide whether there is sufficiency in the plan or not. I think if they determine the criteria, they ought to determine whether it is sufficient.

CALIFORNIA: J. Kearns, California Office of Emergency Services

California has already expressed concern with the conflict between those proposed rules of the NRC and the State legislature. We will summarize those by documents to the Nuclear Regulatory Commission.

I have several statements, however, which I would present to you before the close of this session. I must also express my concern over the lack of recognition over the complexities going from a plan that considers only a low population zone and some simple gas discharge as generated by a design-based accident, to a plan that considers a Class IX accident, and in particular contamination, as indicated in [NUREG] 0396. The implication that this is a simple process and can be accomplished in a short time with guidelines not yet fully developed is erroneous and shortsighted. We feel the time frame for development of sufficient review, comment, and probably revision of the plan is not realistic.

OKLAHOMA: Dale McHard, State of Oklahoma, Occupational and Radiological Health Service

Mr. Chairman, I believe that we are one of the States at which this particular rule discussed in this workshop does not apply, and therefore I want to take the opportunity of taking a few seconds of giving a background of where Oklahoma is, because we are one of the few States that are not impacted by this at this moment. I might also say that my comments might not be as applicable to this proposed rule as other comments have been, but I would hope they would be considered in the totality of the subject of the emergency planning.

Oklahoma does not have any operating power reactors or any power reactors under construction. We do have a two-unit reactor on one site which is currently in the LWA [Limited Work Authorization] stage, which would have received a construction permit by this time had it not been for the moritorium which had been placed on those permits.

With respect to a plan, we have been in the process of drafting a plan, which I should say was initially written not specifically to cover that two-unit power reactor, but was written to cover all radiological emergencies, including transportation. That plan currently is at a very preliminary draft stage, although it is completed at that draft stage.

I would say one of my comments would be, based on what has happened in the last few weeks or months with respect to emergency response planning, we are very likely to have to start all over from scratch. Further, as background, I will mention that my office has the lead role in preparing emergency response planning, as well as responding with respect to the radiological aspect of any emergencies, whether they be from fixed nuclear reactors or otherwise.

The first comment I would like to make is that we feel there is a tremendous amount of confusion and chaotic situations in regard to emergency response planning at the national level; and we would urge the NRC and FEMA to make every effort to integrate the establishment of the criteria and regulations so that as much of this confusion that currently exists can be laid to rest as quickly as possible.

Second, I will say that we are pleased that FEMA has been designated in the role as described by Mr. McConnell this morning for emergency response planning. We feel this is an excellent move on the part of the Federal establishment, and we believe it will be of help to the various States.

Third, we would urge the NRC and FEMA to consider the past ability of States to respond to emergencies in reviewing plans and capabilities of those agencies to respond to nuclear emergencies. For example, in Oaklahoma we fully intend at this moment to utilize crisis relocation plans which have been prepared or nearly prepared for the area which is -- well, the area of Tulsa, actually, which is close to the site of the nuclear reactor -- to use those plans in reverse, so to speak, as evacuation plans in the case evacuation be called for from the plant. We believe that this will save some time and effort on everybody's part and would be every bit as good as an emergency evacuation plan designed specifically for the reactor.

Our fourth comment relates to the cost or potential cost to the State and local agencies with respect to emergency response planning, particularly on the expressed time frame which it is quite apparent we are now facing as a result of all of these new requirements and regulations. At least for Oaklahoma, the compressed time frame is true, because we do not anticipate even having a plan anywhere near the final stage until '82, '83, or perhaps even '84, and it appears that the cost of preparing those plans and otherwise getting ready on a compressed time frame we feel is quite substantial. The other factor involved with cost here is that when you talk about compressed time, you must also consider the impact of having to actually find dollars to do this work, rather than do the planning simply as a part of your routine operation out of your routine budget.

Lastly, you did ask for, I think, a conference of the various representatives and participants from each State, so this last comment is coming from Mr. Bennett, who is here from the Public Service Company of Oaklahoma. His comment is that they are quite concerned about the extent of detail which is required at the PSAR [Preliminary Safety Analysis Report] stage for emergency planning. I point out again that Oaklahoma perhaps is one of the few states which is in the unusual situation where we have an LWA stage being held up due to the moritorium, and the amount of detail required in these proposed regulations at the PSAR stage is very large, and has also changed matters.

Mr. Chairman, I appreciate the opportunity to make these comments, though rather hurredly, and perhaps we will be able to give you more detail in writing later.

KANSAS: Leon Mannell, State of Kansas, Division of Emergency Preparedness

In Kansas, by statute, the governor and the State agencies along with the county government entities are charged by law with the well-being and safety of our citizens.

Now, I want to encourage the joint support from the utility licensees and the Federal government in giving the State and local governments the technical assistance and financial assistance in meeting these proposed requirements from NRC and FEMA. I assure you, the State intends to work with these several agencies in accomplishing thes goals, but we do need definite financial assistance other than tax dollars in Kansas.

ARKANSAS: Robert Lyford, Governor's Office, State of Arkansas

We will be submitting written comments prior to expiration of deadline for comments, but I would like to thank the NRC for the invitation to attend today.

I think one thing that is implicit in a rules sessions like this is more cooperation between State, local, and Federal agencies that are appropriately involved. I would like to second the comments of the individual from Oregon who said that when the NRC came, it was like they were trying to strongarm things with State and local officials through the licensee. We would certainly like a better working relationship with the NRC than we have at the moment, and we will certainly do everything that we can to cooperate in carrying out the process.

ILLINOIS: Erie Jones, Illinois Emergency Services and Disaster Agency

I shall direct some specific comments to the proposed rule change through normal channels later. I believe that would be more appropriate. And notwithstanding my intensive comments earlier, let me say that I am confident that we are all hitched to the same wagon; we're all trying our very best to do the kind of planning job that must be done in the interest of the health and safety of the people who are on these plants. But for the record, I'd like to say that I do have many of my colleagues here, all of whom I have high regard for. My colleagues from my own agency--I want to particularly call attention to a couple from the Illinois Department of Public Health who have necessarily had to hide under a hat with my strong comments, but they are important members of our team and we cannot do without their major input, and I'm delighted they're here and are hearing the kinds of problems that are in the planning arena.

I would also like to say that although many of those colleagues probably would say it differently, and I suspect some of you would hope so, I am confident they would agree with the thrust of my comments.

I would like to then extract, Mr. Chairman, from a letter I sent to Mr. Robert Ryan last week in response to his invitation to all of us to attend this session, and I'll make it very brief and it will be an extract and I'll give you the whole letter so you can put it in the record.

Today I have been joined by several planning colleagues from appropriate State and local governments with the expectation that we'll benefit from an NRC clarification of the confusing planning climate that has prevailed nationally since Three Mile Island. With the concession that this confusion is a product of many inputs, I submit that much of this counter-productive to planning climate must be directly attributable to the sustained bombardment by NRC of proposed regulations, draft proposals, heavy-handed statements, insensitive attitude and unrealistic time schedules. I'll give you two examples. The NRC utilized the period from Three Mile Island until mid-December to develop the proposed changes to 10 CFR Part 50, but wants the local and State governments working with the utilities to develop a complex and time-consuming plan from guidance not yet fully developed in a matter of 60 to 180 days.

Another item for consideration -- all the proposed NRC regulations, draft guidance documents, amended directives and so forth have been developed totally without the considered design input from those who shall be charged with unnecessary protective action at time of accident: the local and State agencies.

As emphasis to these comments, I would add that many feel that the proposed rule change to 10 CFR Part 50 as presented does not consider that local fiscal and jurisdictional problems; it implies that the planning requirements are simple processes; presumes the application of the rule change can be resolved by those impacted in a minimal time, and is a fait accompli. For the entire period prior to Three Mile Island incident, and notwithstanding numerous recommendations by representatives of State and local government, NRC and its predecessor AEC [Atomic Energy Commission], starved the field efforts of a limited number from within those agencies to develop a meaningful emergency planning program. Today, in an effort to respond to the pressures from the public and to recoup some of that forever lost planning time, the NRC is placing what I believe to be unrealistic time and schedule demands on emergency planning efforts of the responsible State and local officials.

In Illinois, we are progressing at a timely rate toward the development of a meaningful and to-be published Illinois Plan for Radiological Accidents. And I point out that that's not just for fixed nuclear plants; we are talking about transport as well. We have done much speculation as relates to NRC guidance, much of which was not clarified as we initiated our compliance planning effort, and for the record, is still not a record. State and local government representatives cannot continue to aim their efforts at a moving, sometimes invisible, planning target. NRC, and all of the NRC, must bring forth their guidance procedures and regulations into a structure as policy of the Commission. To continue in the absence of Commission policy or with the present abundance of proposed regulations is serendipitous at best and clearly dangerous to the objectives of all of us as they relate to the response planning for nuclear production and utilization facilities.

And, Mr. Chairman and members of the panel, I do appreciate this chance to make comment. We need to be joined by you as our colleagues. We need your support; we do not need though the evidence as presented to me by some of your colleagues in Montana recently; we do not need heavy-handed actions. We need supporting activity.

INDIANA: Gerald Glaze, Director of Civil Defense, State of Indiana

One, I'd like to thank Mr. Jones and both the Chairman and the rest of the Committee for having us here. We have learned a lot. One thing, I think that in your guidance that you've placed out, unless you change Rule A and don't even consider Rule B; what you're going to do is impale yourself on a self-imposed milestone. You've made it, and you're going to impale yourself on it. That is the major one that's going to get you, if you live by it.

And I'm going to tell you something else we've learned from Three Mile Island. If we tell you that that thing can be evacuated in 15 minutes, it's darned well going to be evacuated or we're not going to tell you that. It is not possible at this time of the state of the art; that's the truth. We're not going to sign anything in the State of Indiana, nor am I going to submit anything to the Governor that is other than truthful. If you'd been used to working with FEMA, you'd realize that we deal with disasters all the time. We're used to having our actions called, and we're not going to be caught with our pants down.

Now, I realize that since the warning is going to be a critical item, I'd advise you to move it out of the footnote, if you mean it, or else retract it. And if you mean it, have it clearly expressed as a goal and we'll shoot for it. We'll give you our best shot.

IOWA: John D. Crandall, Director for Disaster Services, State of Iowa

I'd like to close the Iowa participation in this by first giving my complete concurrence with Erie Jones and his comments expressed earlier and to reiterate that the Office of the Governor of the State of Iowa is extremely sentitive to the idea that the licensing of a private facility be dependent upon State and local governments' activities. As I stated earlier, I think that's a dangerous precedent to set and I'm really not very happy about it and neither is the Office of the Governor.

As professional planners and responders in the emergency and disaster business, and as people mandated by law within the State of Iowa to provide for the protection of the public, I really don't feel that that kind of a precedent needs to be established.

Again, I'd like to thank you for the opportunity to make this and more detailed comments will follow in writing.

MICHIGAN: Lt. Raymond Cook, Michigan Department of State Police, Emergency Services Division

On behalf of the State participants of Michigan and the local participants, the county directors and municipal directors, we'd like to take this opportunity to express our appreciation to the Federal Emergency Management Agency and the Nuclear Regulatory Commission and this panel for the opportunity to be here today and to express our reflections and our comments concerning this proposed rule, 10 CFR Part 50, Emergency Planning.

The Michigan Department of State Police is responsible by statute for the coordination of all Federal, State, county, and municipal disaster prevention, mitigation, relief, and recovery operations within the State. This department has been assigned by Governor William G. Milligan to respond to the Nuclear Regulatory Commission's invitation to comment on the proposed rule.

While the Department supports portions of this proposed rule change, certain other aspects are of concern. The following four points address some of these issues.

One, we concur with the President's response to the recommendations of the Kemeny Commission for the Federal Emergency Management Agency to assume the primary role in emergency planning; and therefore, FEMA should be responsible for assisting emergency planning at the State and local level.

Two, the State of Michigan recognizes that significant attention is being placed on the development of emergency plans without an accompanying emphasis on the improvement programs. Improvement programs should be developed to provide for the acquisition of resources that would improve capabilities. For example, a plan prepared today based on the present capability of a local government to disseminate warning and instructions might only incorporate door-to-door warning methods. However, an accompanying improvement program would provide for the acquisition of sirens and household alert monitors. And I draw your attention, gentlemen; consideration should also be given for the notification of the blind, the deaf, and non-English speaking communities.

Emergency planning would then be amended to include this improved capability upon acquisition of the devices. It would be unrealistic and impractical to incorporate such devices in an emergency plan if the capability does not exist. This same relationship between plans and programs applies to emergency operating center development, communication equipment, monitoring equipment, personnel, training, and so on. The State of Michigan recognizes the need for improvement programs to accompany any emergency plan development.

Three, local government officials express strong concern about the lack of funding to comply with the proposed rule. They do not dispute the need for such rules; however, local taxes are at the legal limits. Without funding and a reasonable time frame in which to work, local government will not be able to accomplish the additional preparedness requirements.

And lastly, the cost implications of the proposed rule change are many and varied. They extend from the direct cost of plan development, plan updating, and equipment acquisition to indirect costs relating to training exercise and so forth at public hearings. They also indicate the cost implication related to the industry and the economy that would result from plant shutdown. Preliminary estimates of costs in the State of Michigan to State and local governments ranged from $12.5 million to $25.4 million. This includes costs for additional staff, equipment, and programs.

MINNESOTA: Ms. Deidre M. Krause, Operations Officer, State of Minnesota

Minnesota concurs with the statements that have been given by the previous States, and additionally, bearing in the reality of the situation that a rule of some sort, whether it be Option A or Option B is going to come down, we will send a specific letter to you delineating our concerns.

However, one point that I would like to reiterate is that while Minnesota recognizes the skill of NRC personnel with reactor operations, EPA's development for health standards, DOE's ability to provide radiation control monitoring assistance, as far developing evacuation plans, Mr. McConnell stated that, and we agree, that FEMA agencies, whether it's State, local, or Federal level, have real-time experience in evacuations; NRC doesn't. At TMI, it was FEMA type personnel that were in there helping the locals to work out contingency plans. Therefore, we believe that FEMA should have total control on the evacuation plan concurrence with technical support from the aforementioned Federal agencies.

MISSOURI: George M. Atchison, Disaster Operations Office, State of Missouri

Really, the last statement as far as the Federal Emergency Management Agency being made of disaster response organizations was a very good statement, and I could not more heartily concur with that, as far as the planning response.

But I'd like to just in general make a comment that I noticed in the early portion of the meeting, not so much towards the end, the use of the word "shutdown" and the use of the word "concurrence" and all through the meeting, "requirements." And these are basic, since I've been around, basic NRC terms for direction, for performance, and so on. But the word "requirements," earlier it was asked by a gentlemen that requirements are fine, but solutions to those ends are necessary. And we got a general statement that it was kind of the licensee's responsibility to do what's necessary to see that concurrence comes along. And I don't concur fully with that; I think it's a joint responsibility, and I fully recognize it's a team effort; NRC, the utility, State and local governments.

I wish that NRC would more broadly identify with the family affair in allowing State and local government to be a greater portion of the concurring process. I would hope that NRC today would, with the cooperation of FEMA and I hope that Mr. McConnell won't later on push me in a corner and say hey, this is not your rut. But I would hope that NRC would, when we talk about solutions, and funding is one of the solutions that's necessary, I hope NRC would get together with FEMA, and if FEMA should decide to make their contracts available for the planning effort, that FEMA have a good criteria of what's going to be necessary in awarding these contracts and grants, so that when the State and local government has met that criteria and has satisfactorily submitted this to FEMA, that we don't have the NRC position again that either the criteria is changed, the opinion is a little different on this and we're back where we were again. Consistency is what I'm asking for now.

As far as planning, the effort of planning and funding is one thing. As far as response, that's another funding problem, and I'm not even goint to discuss the funding response problem. But in general, Missouri is very cognitive of the fact that to do the proper planning and the proper responsibilities, to do what's necessary for the safety of the people. And I think I urge again that NRC be cognitive of the fact that we're all in it together and that the State and local government need more participation so we can get where we're going easily.

NEBRASKA: Francis Laden, State Civil Defense Agency

Nebraska has both State and local concurred-in plans written to the criteria provided in [NUREG] 0396; therefore, much of what has been discussed has already been taken care of with respect to our plans.

This does not alleviate the basic problem expressed by all the other States of continually changing regulations, continually changing areas of interest, and frankly, in some of the areas, very feeble thought put into a regulation that you are now proposing in some areas, without consideration, I believe, to many of the different factors that both the State and the local governments must face. The warning situation is one. That does not mean that we dispute the fact that people should be warned; we believe they should be warned. But there are a tremendous amount of practical considerations in this, over and above just writing it in a rule. And I believe these considerations have been expressed by a lot of people here today and I really believe they're true considerations that have to be thought about. It's not quite as simple as just writing it down.

A concern that we had with respect to the 10 October letter and, frankly, the 29 November letter addressed to the plants is that both of those requirements, if you will, impact greatly, once again, upon State and local situations. And once again, I feel it's somewhat of a back door to try to accomplish something that you believe should be accomplished without the cognizance that the State has an input to it. That may be -- you have used the terminology--well, that's the only way we can get anything done because we control the plants but we do not control the State and local governments.

I feel that it would be much better, through FEMA, an organization such as that, to provide the guidance to the State and local. I believe most wish to do what's proper and correct. But the time frames that you're proposing, and frankly, the lack of answers that you have with respect to some of the questions dealing with the rules that you're proposing, leaves the States in a very perplexing situation. In fact, I suspect it leaves the plants in a perplexing situation, of just where is all this going to come from and just who is going to provide it.

I would recommend that it is necessary to provide a much clearer definition of many of these areas prior to putting out a rule such as this.

OHIO: James R. Williams, Ohio Disaster Services Agency

I would comment that before coming here today, we had examined the rule and we felt very much in the same fashion as Mr. Jones; that this was a fait accompli, and we've been led to believe that through several other procedures of rulemaking. And to that extent, our preliminary studies led us to say if we have to take this rule, let us take Alternative A in all cases with the exception of the Appendix E data where we've selected Alternative B, with the exception of the 3-year exercise procedure. But after today's meeting, my intuition tells me that perhaps this is not a fait accompli; however, at the present time, Ohio could not support a rule written as the rule described in the Federal Register.

I think, as I stated this morning, there has to be some language changes; there has to be a clarification of exactly the concurrence procedure, and I think, in fact, the terminology, "concurrence" because I don't really think that's appropriate now. FEMA is onboard, and the memorandum of understanding which was effective on the 14th of January 1980, just a week old, has established this relationship between FEMA and NRC, even though it was probably thought out for the preceding 2 weeks.

I feel that with FEMA now in the process of evaluating the plans and with Mr. McConnell's explanation of the new concept of the regional advisory committee, there should never be a reason for a State plan, once approved, to

essentially be out of concurrence. I also feel that with the development of the criteria not yet established that the time frame, as expressed by several of the other States, is not realistic, and I think this has to be re-examined and the rule then amended to extend the time that the States are given. And, in fact, the time that the power plants are given to comply.

I think that there needs to be a greater realization on the part of FEMA, USEPA, and the NRC that working groups and task force operations should be extended down beyond the Federal level and down to bring in and include State and local government personnel. For I feel this has led to a lot of the controversy and a lot of the derision in the previous rules and the entire process of presenting the NUREGs. We don't disagree with the NUREG-0396. The Ohio plan is based on this NUREG and it embraces those provisions.

However, when I look at the study groups that go on, I find that there is a distinct lack of State and local level participation for -- perhaps it's an error of colation in your task force reports; you always print the names of the individuals that serve on those task groups, and there are not recognizable persons in there from the field of expertise in FEMA at the State or local level. Nor are there persons represented from the utilities who have, indeed, a great stake in this particular venture.

So I feel that at the present time, even though our plan has been submitted and it's in the concurrence process now, it has the Governor's signature on it, to say that I have authorized this plan and I would hope that it would be implemented if need be. I can't go back today and tell him that, under these premises of the proposed changed, he should any longer continue to have his name in that plan with the bearing over the State's head. Our comments will be submitted to you in writing. They will be revised, the ones that have been prepared to this point, as a result of this meeting today. I'm very thankful for the opportunity to be here, and I speak for the county representatives from Ohio who are here and who have given the input all day, and we will try to clarify all of our comments and get them to you as rapidly as possible.

WISCONSIN: Gilbert Czarnecki, Bureau of Civil Preparedness, State of Wisconsin

I'd also like to thank you for the opportunity to appear here. That embodies Mr. Mockrud, Mr. Koss, and Ms. Brandl appearing here as representatives of those counties that have nuclear power plants in their jurisdiction. They also have in their plans as far as the 10-mile evacuation -- the State of Wisconsin also has incorporated in their plan not only the 10-mile but also the 50-mile referenced ingestion pathway, especially as far as dairy products.

We are led to believe that up to about the middle of November the State of Wisconsin was about a smidgeon away from concurrence; that the Region V regional board had reviewed the plan and were going to use that as a model. About three days later, we were told that FEMA had entered the picture as a part of the review and I was to send a copy of the plan to Seymour Wengrowitz, and I did so and asked him to please address his comments to me as the planner. I'd like to have the chance to appear before the board when he appeared there in order to answer any questions that he had.

The board met with Mr. Wengrowitz but no mention was made to me by anyone at that time as to what the points of contention were if any. I did not appear before the board; I did not receive a letter from Mr. Wengrowitz; I received a letter from NRC review board as to more questions that we thought we'd answered. to this date, we're still looking for further criteria as was mentioned by Mr. McConnell; that further criteria would be coming down the road; he'd wait with baited breath before he'd make any changes in the further criteria.

As I mentioned before, a final problem was also that some new experts suddenly appeared in Washington, 100 of them, to help us write this plan and also help look at this plant. These experts -- I don't have to go into a

definition of experts--we found a problem with that because -- don't laugh, this is serious. You know, we're trying our darnedest to do something down here. And again, I point out the constitutional responsibility of the State and local authorities to meet the criteria and be concerned about their people. And I'm sure if they are concerned and write their plan, as far as emergency operations and emergency services, I'm sure that the local people have an input to that plan. They have the chance to talk to these people and once their plan is approved to ask for changes; so it's much better to have the grass roots area opinion as to whether it's a good plan or not, to find out such incomprehensible problems as to who is the head of the local law enforcement: the State police? Wisconsin has no State police; it's the sheriff, and you'd better believe it. Where are the State resources, trucks, et cetera, to help barricade? The State has nothing but little trucks that make lines down the road. All the equipment, trucks, et cetera, barricades, are owned by the county and so shall be disposed. All the doctors have appeared in order to make tests of our exposure from the health department. The health department has no doctors. The health leader in the Division of Health is an ex-union leader. So this is a problem to deal with -- in Washington where they're setting up model plans when they don't know that the local resources are.

So I say that we look forward for more criteria, and we'll do our darnedest to get the job done. We'll also have some written comments to follow on this. I concur certainly in most cases with the other States as to what this has done for us and what we're looking for.

GEORGIA: Bill Cline, Environmental Protection Division, Georgia Department of Natural Resources

On behalf of the State of Georgia, I would like to thank the Committee, the panel, the Chairperson for coming to Georgia and conducting this hearing. I would like to commend you on the job you have done to keep the somewhat volatile group on track and keep the meeting in order.

I would like my first comment to be directed at both FEMA and NRC. I would like to point out to you, you representatives, the great operational and management difficulties these States have in trying to keep up with this ever changing ball game. Georgia happens to be in a very awkward position now. We submitted a plan for concurrence that meets the requirements of [NUREG] 75/111, believe it or not, and believe it or not, NUREG-0396. So, we are right in the middle of this thing. So, now the ball game has changed some. We have already committed a great deal of resources to this effort in terms of dollars and manpower.

It appears to us that we are back to square one; that we are going to have to go back through this process again. We hope that is really not the case. I do not know who to direct it to, whether it is to you, Mr. McConnell, or to our NRC delegation; but we do have some great concern to the extent that our Governor is in the process of sending a letter to FEMA saying, "Explain to us what we have got to do, because we have committed so much effort to this at this time."

I would like to go on to say that it is our understanding that there is no Federal statute that requires the States to have concurred in plans, but the State of Georgia will continue to work with the Federal government, local agencies, and adjacent State agencies in seeking concurred in plans.

The third point: we recommend that part of the NRC licensing fees be applied or directed back to the State and local governments to augment and assist in emergency planning efforts. We got into a rather heated discussion earlier in today's meeting about Federal funding. We feel Federal funding is in order, especially where we have nuclear facilities in adjacent States. We have three of those facilities that are in adjacent States, but in close proximity to the borders of Georgia. We do not receive any revenues or any real measurable benefits from those facilities. We were not invited to the site selection process or had no choice in that. We will always support and help our neighboring States and the neighboring utilities when asked. We will cooperate with them.

We pledge to cooperate with them through mutual assistance pacts, through informal agreements, formal agreements, but we do believe that Federal funding should be considered to States and local governments to improve and augment emergency planning measures.

As I sat through this meeting today, I thought I had a clear idea of where we were going; but as we wind down, I am somewhat confused. I would like to ask the FEMA representative and the NRC representatives to spell out, specifically, what your roles are going to be. The States would like to see something in writing as to who is going to do what to who. We are somewhat concerned, at this point, as to who is on first. We would certainly like Mr. McConnell, you, to develop something for us and the NRC representatives to develop a written position as to who is going to do what.

The fifth item that I would like to mention is that Georgia supports and encourages the 10- and 50-mile planning zones. As I have mentioned earlier, our plan is already developed around that. We would like to endorse that concept.

The next item I would like to mention would be a seconding of a motion made by the State of Alabama earlier in today's meeting; that the Federal agencies also have some sort of plan or memo of understanding as to how they are going to interface with the States during these emergencies. From all we hear about Three Mile Island, there was a great difficulty there. In a recent test, here in the southeast in a neighboring State, difficulties were encountered in determining what the Federal/State interface would be. So, we would certainly like to encourage this. My final comment on this matter is that we are apparently changing horses in the middle of the stream, and we would like to go ahead and expedite this process as quickly as possible, but we do not want to move too fast. We do not want to run scared, so to speak, and commit ourselves to something we cannot live with, but we would like to encourage FEMA and NRC to complete revisions of plans that are currently in the hopper. Ours happens to be one of those. We would also like for NRC and FEMA to complete and distribute any changes to planning requirements. We would also like the agencies to review and expedite work for providing Federal funding to State and local emergency response facilities.

Further, I would like to say, as we have always done in the past, we will continue to cooperate in the Federal agencies in these important areas and will always work with our neighboring States in local programs in sharing effective emergency response.

FLORIDA: John Burke, Division Public Safety, Planning, and Assistance, State of Florida

I have a prepared statement for the State which I will read into the record.

The State of Florida contends that safety of the public should be a primary consideration in the licensing process for nuclear facilities. We support the NRC in efforts to improve emergency preparedness planning for such facilities. We agree in principle that State and local governments should have plans to protect the population around nuclear facilities in case of a radiological accident.

Nevertheless, the proposed interim upgrade of NRC Emergency Planning Regulations (10 CFR, Part 50) would present a number of difficulties for the affected State and local governments, as well as for the affected utility companies.

The proposed regulation to require NRC concurrence in the appropriate State and local government emergency response plans prior to operating license issuance or for continuing operation of plants already licensed would create an unstable dependency relationship among State and local governments and with the utility companies.

This foreseeably could have negative effects on the people and buinesses which use power produced by the plants as well as on the power companies themselves. Investors and creditors alike would be reluctant to put money into a utility where continued operation of its generation facilities is dependent on conditions beyond its ability to predict or control.

Changes could occur in State and local governments, bringing with them changes in philosophies, perceptions, plans, or operational procedures. These could, in turn, bring about withdrawal of concurrence, resulting in plant shutdown.

The question of legal responsibility for power outages in the event nuclear plants are shut down for lack of NRC concurrence with State or local plans could result in lengthy and costly litigation.

Attempts to legally recover the greater costs of fossil power generation during shutdown have already become commonplace. Suits for damages could also arise from the considerable social and economic impacts of suddenly reducing net power generated in Florida by close to 20 percent.

Although the materials sent to the State for review assert that social and economic costs of this regulation have been considered, no impact statements or other documentation was provided. We suggest that these impacts would be very extensive and would affect many segments of society. Studies should be conducted to determine such impacts and circulated widely for review and comment.

The statutory authority for the proposed changes to 10 CFR 50, which would allow the NRC to regulate State and local actions, is distinctly questionable. One could also question the legality of making rules which have the effect indirectly of punishing the industry retroactively for failure to comply with regulations which did not exist when licenses were originally granted.

The NRC, through existing regulatory powers, has authority to shut down any nuclear plant for deficiencies in equipment or operation within the plant as well as for certain requirements outside the plant. Prevention has been the policy, as expressed in the philosophy of "defense in depth" underlying licensing and operation of the plant. It is a questionable exercise of NRC powers to shut down a plant because of events occurring outside the plant boundaries in areas that are not under control of the utility. "Mitigation of effects" in the event that "defense in depth" fails has become the watchword.

As stated earlier, we too believe communities and the State should be prepared to cope with any hazard. In the case of nuclear power plants, we believe this preparedness should continue as a joint voluntary effort encouraged by NRC either in a voluntary mode or with financial support provided by the NRC.

The effectiveness of the voluntary course of action is evident in Florida. We do not believe it is within the province of NRC to mandate this action by making it a basis for continuing operation of a nuclear power plant unless the NRC is fully prepared to fund the preparation, implementation, and continued evaluation of such plans.

For issuance of a new operating license, we have no objections to revised procedures. However, where licenses are in force, as in all operating Florida plants, we want to express our concern that events unrelated to plant safety and beyond the plant's operating control can be utilized to force plant shut down. The effects of this proposed NRC action would be to shift the onus for shutting down nuclear plants from the NRC to the State and local governments.

The guidelines are identified as "interim" in nature. However, the duration of this interim period is not indicated nor is any indication given regarding the type of changes which may be made later. The implications in terms of planning personnel requirements could be extensive as could the cost of implementing rules that may well be withdrawn or otherwise changed in the near future. The proposed regulation does not address the circumstances under which concurrence would be withdrawn, for example, changing land use, population density or agricultural use.

More specific guidelines are necessary if affected parties are to be able to effectively comply with the regulation. Such specific criteria would be the only safeguard against arbitrary decisions by the NRC, which could have serious impacts on the State's energy sources.

The meaning of serious deficiencies must be defined to prevent subjective decisions by the NRC inspectors from resulting in plant shutdowns. Specific guidelines defining the criteria for determinations should be available to affected parties so that comments can be made before the regulation is finalized.

The role of FEMA should be clarified in the regulation if FEMA is indeed to assume responsibility on the Federal level for radiological emergency planning beyond the exclusion zone. The proposed rule makes no provisions for transmittal to the State counterpart of FEMA of information received by the NRC from the utility regarding day-by-day occurrences at that plant. We feel that this information is important and that it should be received at the Florida Bureau of Disaster Preparedness promptly. Without continuing data, the Florida Bureau of Disaster Preparedness cannot adequately respond to policy makers and to the general public regarding its actions concerning occurrences at the plants.

A final consideration which must be addressed is the cost of the emergency planning which would be required of State and local governments. The proposal that NRC can withdraw concurrence at any time and thus shut down a power plant would place extensive requirements on State and local governments for planning staffs and budgets. The sources of funds should be identified and their economic impacts addressed before the rule is finalized.

SOUTH CAROLINA: Lee Thomas, Division of Public Safety Programs, State of South Carolina

We do have a written statement. We will submit it. I will basically just summarize of our comments from South Carolina.

First of all, I agree with the earlier two summaries; that is, of course, we do appreciate the opportunity to come and discuss with you your proposed rule. I think we all have the same thing in mind. That is the public safety. We at the State level, local level, private industry, we are just as concerned, if not more concerned, about public safety than NRC or FEMA is. Overall, I would say that we all have been working since TMI, if not before TMI, to assess our current state of emergency response capabilities, particularly those found in our fixed nuclear faciiities.

What we find is that they need to be upgraded significantly in a number of places, and we have been working hard to do that. It has been a cooperative effort, for instance, in our State between State government, local government, and the private utilities working together to try to accomplish that.

I feel like, that if we are not careful with our proposed rule, we may actually interrupt and provide a negative impact on what we have been trying to do; that is, to upgrade those emergency response capabilities. I think there is a faulty assumption in the rule, and that is that NRC, through its regulatory process, can force a State or local government to do something by placing the responsibility on a private utility for which it has no authority. I think the authority to do that, rightly, is placed on State government. The State government in turn works with local government to protect the public. I think that as we move forward with implementing any emergency response capability, we have got to bear in mind that those two levels of government are the primary levels of government that are going to implement that emergency response. They, in turn, have to develop the emergency response. They have to place priority on emergency response. What we are finding is that the problem is not just with emergency response as it relates to nuclear facilities, as with general emergency response; that is, for too long it has been placed on a back burner at the State level, at the local level, and maybe at the Federal level, as well.

It is not something that can be corrected over night and it is certainly not something tnat can be corrected simply through regulation. It is something that is going to review and have found significant amount of

resources, manpower, equipment, dollars, a significant amount of equipment and cooperation between local government, State government, and private industry; and a significant amount of time.

So, for those reasons, I would make a couple of comments on that. That is that, one, we feel your time frames are way off, as far as being able to correct some of the deficiencies that exist.

Second, we feel that it is most important that the Federal government enter into this process of emergency management in support of fixed nuclear facilities with State and local governments in cooperative effort.

We should all clearly divide our roles, particularly at the Federal level, so that we have a clear understanding as to the role the NRC is going to play, the role that FEMA is going to play, and how they are going to play those roles jointly. We feel, for instance, that it would be much more appropriate for FEMA to be taking the lead role in regard to emergency management with NRC providing consulting assistance to them, rather than vice versa, as has been presented today; but we feel those roles have got to be defined and they have got to be defined now.

So, as we go into the next as I understand, month or so; joint evaluation teams in our state sitting down with the Federal officials and talking about assessment of our capabilities that we know exactly what part each character in that process is playing. As I say, we have written comments that go into the specific parts of the rule, with comments on each part. This is just an overall philosophical feeling about how we are going to move forward in this process.

NORTH CAROLINA: David Kelly, Assistant Director of Crime Control and Public Safety, State of North Carolina

First of all, I want to go along with the others and say we are glad to be here and glad to have the opportunity.

Our State is committed to public safety. We have had an exercise recently; developed a plan; spent over $100,000; submitted it to NRC. We don't know where it is. We know it has been to Atlanta. It has been reviewed. We have met with Bob Trojanowski, but now with the new criteria coming out, we are not sure where we are. We know the State is committed. We know the local government is committed. We know the utility is committed, but we are not quite sure whether you all are together enough to tell us what we need to do now.

We have a plant in our State that wants to come on line on May 19. You talk in terms of June 30, 1980. You talk in terms of January 1, 1981. This plant wants to come on line in less than four months. We have a plan that we presented today to both FEMA and NRC in the hope that one of you folks will get back in touch with us soon and tell us what to do. We are encouraged that you are holding hands. Maybe that will lead to heavy courting and maybe marriage, soon.

We do believe that in North Carolina, at least I believe, in the other States, we have our act together. We call upon you to get your act together as quickly as you can so that together we can get on with the public safety problem we have. This is an encouraging meeting for me to see FEMA and NRC at the same table, having met with representatives from both agencies over the last two weeks at various times. It didn't sound like we were talking about the same problem, but I believe after today we are. I am encouraged. Any help anybody can give North Carolina in our dilemma would be appreciated.

WEST VIRGINIA: Al Lisko, West Virginia Office of Emergency Services

Our attendance at a conference on nuclear power is a bit strange, given our coal producing nature; until the 10-mile zone was suggested, we had absolutely no contact with nuclear power, except in transportation. Our nearest

plant is in Pennsylvania, north of Pittsburgh. So, it is strange attending a meeting in Atlanta with our southern State friends.

The major comment I have is, first of all, I do not see where this type of planning is that far removed from what I have already done in both a natural disaster and a nuclear attack sense. You have a specific area that certain precautions or evacuations have to be done within. Now, given that set of circumstances and everything else, there is a question about how to do the job. What I heard today was quite a bit of complaining about this little thing, does this have to be within a mile, does this facility have to be built?

The experience that I had working natural disasters was once a disaster occurs or once there is a perceived threat and there is a perceived threat around every nuclear power plant, it can be done. A question was raised about schools and how do you kick the school kids out of schools? You don't have to. I worked a Disaster Assistance Center in a very small town in West Virginia, and the kids continued to attend school. It can be done. What I think has been done through rules and regulations now is no more than what had to have been done in Pennsylvania immediately. From what we have been able to determine, much of this type of planning was done on a very quick and very demand type situation, planning programs where there was no time to consider some of the factors.

The press was there. They had to be taken care of. What we simply have here is an opportunity to say, "All right, given the location of this plant, given what happened at Three Mile Island, given what we know what happened as far as the press, the public, et cetera; we can have prepositioned what we will need and how to obtain it." That is about all that I can see that really -- these are the basic items.

Now, as far as evacuation is concerned, the same general item. How do we propose to get these people out if we have to? I heard one gentleman make a reference to evacuation up to 10 miles. To me, that is the planning margin. Now, it might be in a northerly direction, so many degrees east or west of due north, depending on the wind exposure; but if we can do it in that 10-mile radius, then we can do it whether it is north, south, east, or west.

Now, as far as the rationale behind the regulation of closing the licensee; many references have been made to the fact that if you close it down, then the local jurisdiction loses power. As was brought up by one gentleman, that is not necessarily true; it is not necessarily true in our case. It is my understanding that the power company which owns the facility has no grid into West Virginia; therefore, we could conceivably shut that plant down and not hurt ourselves one bit. In fact, if we could force it to go to coal, and it would burn West Virginia coal, it would improve our economic posture.

Now it might be funny, but when you have got several hundred miners in West Virginia out of work, it happens. Now, I can assure the NRC and Pennsylvania -- those are the only entities really that closely involved -- we will do our best to meet the planning requirements, whatever they turn out to be, and to protect the citizens of West Virginia in cooperation with the sister States involved.

I hope, and in conclusion simply say this, that a more positive attitude is displayed toward this in the actual implementation, that rather than worrying about how we are going to do it in the sense of not wanting to do it say "Okay, if we have to do it, we can do it."

I think every one of you can. It just takes that determination.

ALABAMA: Aubrey Godwin, Division of Radiation Health, Department of Health, State of Alabama

First of all, I would like to thank the NRC for inviting us to participate and to be here. It is a very good forum. The panel had a rather tough job and I thought they handled it very well. These are just some summary comments and there will probably be written statements to follow, either individually or collectively.

After some talking, we still aren't convinced about having this press center within a mile of the plant yet. We tend to feel it ought to be away from it, and then if they want to go in and look at the plant, all right. We have one press center for everybody and we are not inclined to have it that close, particularly on the short term

We are particularly impressed with the communication improvement you all are suggesting. I think that is a good feature to your proposal, among the several good features of it. However, regretfully, there is still some confu sion about the criteria and we can't detect any real evidence in developing the new criteria as it is being evolved that there are provisions being made for State and local input before it goes on the street and I think it would be of value to you to get some before you put it out in a hard-draft form and before you lock the concep in completely. It might be good to run it by a few State and local types in the various agencies to get some ide of whether the concept is really a pretty viable approach.

One area we looked at was your training. You talked about how often they have exercises and there is an Alternate "A" and "B" in there. I don't believe you ever got any comments which were desired. From our point of view we would see the requirement of having one every 5 years would probably be the most feasible operation overall throughout the country provided that no State goes more than 2 years between them. It is a full-blown type exercise inviting the Federal, State, local, and all agencies, and it is a pretty good outlet.

We did note very clearly that same section says that within 1 year there will be an exercise at all plants, a full-blown exercise at all plants. I don't think the Federal government is capable of doing that. I am pretty sure that the State of Alabama is not.

If you look at the preamble statement to this it says within 1 year for operating plants, within 1 year you are to have an exercise and then thereafter every either 3 or 5 years. I think that point needs to be clarified because I don't believe you all can get the Federal government to participate at every reactor site in this country within 1 year. That would be some 70 exercises. If it is to be complete, it needs to be major exercises Many States would have to have 5 or 6 exercises, and it is very difficult to gin up these exercises.

One point that really has not been alluded to too much that one of our memebers brought up was the host areas where you are having to relocate people from a county that has the 10 miles impinging on it to a county that does not have the 10 miles impinging on it but would otherwise have no involvement with the emergency planning process There needs to be some thought about what kind of resources they may need to receive perhaps tens of thousands of people into that county and making sure that they will in fact receive them.

I wish to also thank the States for their kind comments regarding our feelings regarding the Federal plan or lack thereof. I am glad I am not the only one that perceives this problem. I thought I might have a bad case of narrow vision there, but apparently others see it.

I would commend to your consideration, particularly FEMA, that they do move forward to develop some sort of Federal plan that we can interface with. On the other hand, I would suggest that they not try to develop a model State or local plan because there are some problems of people trying to copy these things and not really understanding what they are copying, taking out the word "model" and putting in "John Jones State." So I think you

should look carefully at the idea of model plans and not go with that but go more with your criteria which is what you are in part doing now.

KENTUCKY: Craig Martin, State Division of Disaster Emergency Services, State of Kentucky

Kentucky has no facility within its borders. We are one of those adjacent or contiguous States that we have been discussing several times today.

I am kind of envious after hearing some of the closing summaries. I wish that the facilities that are impacting Kentucky were in this NRC region. There are two facilities that we are concerned with in Kentucky, one in Indiana and one in Ohio. Within the 10-mile EPZ of one plant there are approximately 5,000 Kentuckians affected. Within the 10-mile EPZ of the other there are approximately 9,000 to 10,000 people affected.

One of the problems we seem to be having is that when these hearings were held these licensees went to Chicago and we come to Atlanta. I would like to suggest that there might be closer coordination here--and that the boundary is the Ohio River for the NRC regions. But, as I have just explained, if there is an instance we have no boundary there. So this is a problem that perhaps the NRC regions and the FEMA regions can work together on so that we can perhaps meet together at some point to discuss some of the problems that we have encountered in Kentucky.

I have submitted to Mr. Goller a letter from my boss, the director of our organization, and the Adjutant General of Kentucky, and that letter basically supports the proposed rule that we are discussing today. And, furthermore, where there is an Alternative "B" to these rules, we support Alternative "B".

There was a statement made earlier that contiguous States or adjacent States should certainly recognize the responsibility they have to safeguard their citizens. We recognize this responsibility, we recognize it every day, but we can't seem to do much about it because we don't have any money. The State government does not have any money. The counties in Kentucky do not have any money. And when you come right down to it, it is hardly equitable for Kentucky taxpayers to pay for planning for corollary systems for a facility sited in another State. Kentucky gets very little benefit from this facility, but yet we are asked by the facility and by other organizations to help them gain an operating license. We have worked with them and set up time schedules with them to try to accomplish this very thing, but we seem to have a problem coming to terms with them on exactly what it is that will enable Kentucky to be prepared for the eventuality of an incident at the particular facility.

So recognizing that responsibility we have is not enough. We are not anti-nuclear. We want to plan to protect the citizens, but we can't do it without the proper funding. We think it should come from the utility. If it doesn't come from the utility it should come from the Federal government.

I think there is one other observation that I would make, and that is the reality of the situation today around nuclear power plants. We have been told many times that the probability of a serious incident is extremely remote, and I probably believe that. We have been told about the design basis of the facilities and how safe they are, and I would probably believe that, too. But that reality is not the reality that the industry and the State and local agencies are facing today. The reality is what the public perceives the situation to be. And the public is asking us to protect them and to do the things that we are legislatively and statutorily responsible to do to protect them.

We are coming up on the short end because we can't get the funds and the manpower together to accomplish this goal. So basically we have come to the decision that for us to statutorily carry out our mandate that we should have

the proposed rules as they are established, and hopefully this will enable us to do the things that we are all trying to do today, and that is to protect the public.

LOUISIANA: John Cadwallader, Nuclear Energy Division, Department of Natural Resources, State of Louisiana

We appreciate the opportunity to be here, and we concur with most of the statements of the States represented here at this workshop. We feel that FEMA/NRC criteria as a unit packet which should be published in the next couple of weeks should have been provided to the utilities and the State and local governments for review and comment prior to the publishing of the proposed rule and the scheduling of this workshop.

We feel that if the NRC is going to require the State and local governments through the licensee to develop and implement these emergency plans then there must be Federal funds available for these goals. There must be more definitive information and assistance from Federal agencies in developing plans across contiguous State borders, especially when different regional advisory committees are involved in the review process.

Due to the negative attitude of our local government in the State of Louisiana and the effect it could have on the granting of an operating license in a contiguous State, we feel that the NRC should address this specifically, possibly through funding from the Federal government and not from an out-of-State utility.

The time frame imposed upon the licensees for submitting their emergency plans, which includes the plans of the State and local governments, does not correspond with the timetables for the review of State plans as mentioned here today. In one of our sites, we have 22 industrial complexes within the 10-mile EPZ, and we feel it is more of a generic problem on an emergency response than solely a nuclear power plant problem.

Once again we appreciate the opportunity to be here to express our views, and we will submit formal comments to the NRC and FEMA during the comment period.

MISSISSIPPI: Jim Maher, Mississippi Civil Defense Council

We will submit formal comments on the proposed rule prior to the end of the comment period. Of course, like everybody else, we are appy to be here and we feel it has been a good and productive session. And, frankly, it is about time that we all got together. And when I say "all" I don't mean the rest of the people sitting at this table because we work together on a routine basis, and that is State, local, and utility. However, it is time that we all got together with the people sitting up there on the front table so that we can see who we are dealing with and know something about them and what their thinking is.

The problem that we have is a communications problem, one where a portion of NRC is dealing directly with the utility and another portion is dealing directly with our Rad. Health people. FEMA is not dealing with us hardly at all on this particular aspect, but there are communications going to everybody and at sometimes to nobody. There needs to be a coordinated effort to get all the information to all the people who are responsible for planning and coordination so that we can act on it in a timely manner.

We have, of course, adopted the principles of the latest (NUREG-0396 and NUREG-0610) and are coordinating with other States and the utilities that affect us to ensure that we are all talking on the same wavelength as far as compatibility of planning and response, especially in regards to NUREG-0610.

As I indicated earlier, we will submit written comments over the Governor's signature prior to the end of the comment period.

TENNESSEE: Bill Graham, Tennessee Department of Public Health, Division of Radiological Health

This meeting has been very helpful, in my opinion, to get many of the new problems we all face up in the air. I did not hear satisfactory answers to all of these, nor did I expect to hear them. However, I take back home with me the hope or at least the wish that time will make all things clear.

Tennessee has been in the business of radiological emergency preparedness or planning, rather, for a long time, long before the advent of [NUREG] 75/111 and long before the term "concurrence" was conceived, and we were on the verge of achieving this concurrence under the old ground rules. We will plan to be more prompt under the new criteria.

I want to say that Tennessee supports the 10- and 50-mile concept.

VIRGINIA: Hank Allard, RERP Lead Planner, Commonwealth of Virginia

I also would like to express our appreciation for the invitation here. I will try to keep my comments brief, and we will prepare some detailed statements on my return to Virginia.

I would like to make a couple of broad general statements on some of the matters that were addressed that are of significant interest to us.

First of all, on the invitation we are particularly pleased this time that the joint FEMA/NRC people chose to invite not only State representatives, VEPCO representatives, but equally as well our local representatives. I have been in the business now for about 4 years and this is the first time that I can recall that we received an invitation inviting all of the combinations of people that are needed to get the job done. This certainly substantiates the fact that we keep talking about the need for interface between the public utility and the facets of government both at the State and local level. So we are delighted with that and I hope that is precedent setting and that you do include those people because at our level we certainly have to work with them.

I would like to comment a little bit on something Mr. Cline of Georgia touched on, and that is the need to go into what I might construe as being more or less a total planning for a radiological emergency response plan. This is kind of significant to use because we submitted our first plan for approval about four years ago and received approval only about 4 months ago. So if we have to wait another 4 or 5 years for concurrence on the next one it will be a long time coming.

Just a couple of words on the proposed rule. We have examined the alternatives and they are similarly basically with some slight variations. But we get the impression that it is too much of a philosophy of "either/or." Either you have a plan concurred in by NRC/FEMA or we shut you down. And it would appear that if there was a more flexible kind of a program that would set up an objective of what we really need is, say, to keep the nuclear power plants on line for numbers of reasons safely and then address the matters that could occur, and there are going to be a number of them, a number of them were addressed here today in terms of local political subdivisions may favor it one time and later on they do not, that could impact on the continuations of a concurrence of a plan. The answers are always forthcoming once you can identify the problem to the point if you couldn't get a local government to develop a plan or a State government, the Federal government could do it for them. And there are precedents for that in the energy program whereby all states were directed to develop conservations programs. If they didn't come up with a plan the Federal government said, by God we will do it for you. So maybe the same thing could apply here. But to be more positive in the approach I think most people would recognize we do need the nuclear power plants.

I think I will leave the rest of the remarks for our written comments. And again, I express the appreciation of the people from Virginia, both from our local State government and our VEPCO representative.

IV. SUMMARY OF PUBLIC COMMENTS

A. INTRODUCTION

Time for public comments was scheduled at the morning and afternoon sessions and during the entire evening session of each workshop. People making comments included elected officials, representatives of public interest and environmental organizations, and other interested individuals. The comments related to the proposed rule on emergency planning are summarized below.

B. SUMMARY OF PUBLIC COMMENTS

1. Feasibility of Adequate Emergency Preparedness

Many speakers from the general public felt that it is impossible to evacuate high density population areas in the event of a major accident and, for this and other reasons, many commenters called for the immediate shutdown of the entire nuclear power industry. Typical comments were as follows:

a. There are too many people to move over an inadequate number of roads in too short a time. In Chicago, where will 6 million people go? There are not enough roads. In New York, 20 million people would have to be evacuated. It was noted that some disaster preparedness plans would take an advance notice of a week to put into effect, but the majority of release of radiation from a reactor accident would take less than a day. If this was not bad enough, how will evacuations take place during inclement weather--severe winters would make it impossible to evacuate.

b. Doubt was expressed as to the adequacy of any warning system. For example, mailing out instructions in bills would not reach all the people that would be concerned--some live in apartment buildings and do not receive bills. Enclosing instructions in phone books is fine but what about people without phones? Will the warning be written in Spanish, French, or German for those who do not speak English. With respect to radio broadcasts, similar problems arise (language and availability of radios). Sirens, which may not be heard, may have different meanings from State to State (or even within the State). This may lead to confusion during an accident because (1) we are a mobile society and (2) there is a lack of a uniform warning system.

c. Concern was also expressed for the blind, children, the aged, invalids, and the crippled. Each of these groups has unique problems associated with them and must be factored into the evacuation plans.

2. NRC Concurrence

Most speakers from the general public were in favor of Alternative B of the proposed rules, which calls for an immediate shutdown of plants where no concurrence in an emergency preparedness plan exists. The most often expressed reason for this choice was that, if NRC felt the need to have concurred-in emergency preparedness plans to protect the public, without these concurred in plans the public was not protected and the plants must be shut down. Alternative B was felt to be the most restrictive of the alternatives--it presented no loopholes; the plant has to be shut down.

Other statements regarding concurrences were as follows:

a. Is concurrence by the NRC a meaningful concept? The Moffett report tells us that concurrence may offer only an illusion of protection, that some State plans with NRC concurrence had startling deficiencies.

b. It was recommended that NRC concur in State plans rather than utility plans. NRC would be less tempted to be dependent upon data supplied by utilities and have more access to more independent thought and study.

c. The NRC must approve State and local emergency response plans, including tested evacuation plans at a 15-minute notification, as an absolute minimum condition to nuclear power plant production.

d. NRC must enforce the ruling that State and local communities have a tested plan within 180 days of the effective date or by January 1, 1981 (whichever is sooner).

e. The objective of this program should be enhanced emergency preparedness and not shutdown of reactors. To this extent, the proposed rule is misdirected and could accomplish the wrong objective.

f. It was felt that there might be great difficulty in getting concurrence or agreement with regard to plans among local, State, FEMA, and NRC. The method of administering the requirement to provide or concur in emergency planning procedures is not apparent.

g. The policy of not issuing advance guidelines for exemption from emergency planning concurrence was considered sound.

h. If emergency plans need to be changed will NRC shut down a plant or lower generation of power?

i. Since NRC has no jurisdiction over a State, a law needs to be passed for NRC to set up a program to see whether the State is really going to be able to handle this sort of function.

j. The NRC should not be interested in promoting the licensing of a plant where the State and local governments are not taking the necessary steps. The plant should not be licensed until the emergency response plan is formulated and approved.

k. The requirement that the licensee must submit State and local emergency response plans was seen as placing an undue hardship on the licensee--an action was required, but no authority to carry out the action was given.

l. The NRC is taking on too much when it proposes to shut down plants because of local government failure to produce a concurred in plan. The government does not have this right to interfere with private industry.

m. For the plans to work there has to be more cooperation between all parties involved, i.e., State and local government and NRC.

3. Emergency Planning Zones

Most speakers felt that the emergency planning zones were inadequate, entirely too small to protect the public health. One apeaker stated that it is ludicrous to assume that a radioactive plume would suddenly stop at 10 or 50 miles from a reactor. It would not magically stop at these distances.

Many reports were quoted that indicated the emergency planning zone should be larger:

a. WASH-1400 estimated 290 square miles as the area requiring relocation of population. The same report mentions evacuation downwind and to 25 miles.

b. The Beyea-Von Hippel Report indicates that many cancers would occur outside a 50-mile radius of a plant should a worst-case accident occur.

c. A recent M.I.T. study demands evacuation downwind out to 29 miles.

d. The Rogovin Report recommends possible closing of any nuclear reactor where residents within a 30 mile radius could not be evacuated.

e. One commenter stated that, under certain conditions, 10% of the people 250 miles away would get 25 rem doses to their thyroids. Evacuation must include everyone within 100 miles of a reactor.

f. The Government Accounting Office study that Congressman Matsui requested cited a 150 mile radius as being potentially impacted by a worst-case accident.

One commenter labeled the 10-mile zone as an exercise in political dishonesty: "It's not rational to expect those of us outside the 10-mile radius not to seek safety in flight or hiding or some other activity."

4. Drills

Commenters from the public who addressed drills in the issue of evacuation were unanimous in recommending that no emergency preparedness plan receive NRC concurrence unless the plan successfully passed a test of the evacuation plan. The drill would include, at a minimum, participation by State and local governments and the utilities. Some members of the public requested public participation and felt that several tests (at different times of the day, different seasons) must be passed before concurrence is issued. The reason that so many tests should be held is that, by having tests under various conditions (from nice weather to worst case), we would soon learn what was realistic about the plan and what was unrealistic about the plan.

One commenter was interested in who would be the observers at the tests and who would set up the criteria.

Many commenters expressed the idea that drills must encompass the entire area of the emergency planning zone (a 50-mile zone would include, for Indian Point, New York City; for Zion, Chicago, etc.).

5. Role of the Public

Several comments addressed the issue of what role the public should have in emergency preparedness. Public participation in the formation of emergency preparedness plans was strongly urged for several reasons. The statement was made that some members of the general public have done their homework and are fairly expert in emergency plannings. Their efforts should not be wasted; they should be consulted.

The idea was expressed that since local governments have some resources for handling most disasters and they do handle disasters on a somewhat regular basis, they should be involved extensively in planning.

Some members of the public asked that committees from the public be included in the emergency planning process. This would accomplish two things: first, the public would have some input into planning and, second, if the public committee approves the plan, the community would most likely accept the plan as being one capable of protecting the public (in other words, committee approval would allay the community mistrust of the utilities).

One member of the public urged that the media give accurate coverage to nuclear accidents so that panic would not result from sensational media coverage.

6. Costs

It was felt by the public that the utility company should pick up the cost for implementing the emergency preparedness program; this would include cost of the warning system, public notification regarding the plan, and the cost of educating the public in this area. The reason the utility should fund the program is that, if no nuclear plant existed, the program would not be needed.

Other comments were as follows:

a. It was suggested that NRC or FEMA should fund fully or partially the implementation of an area warning system, possibly as part of implementation of the Civil Defense warning capability.

b. Funding the plans are a problem since there is no more money in the 1980 budget for it. It will take a year to get it in the budget.

c. The cost of developing a plan and how these cost will be met should be made public.

d. Who will pay for expenses incurred by the public if an accident occurs?

e. Providing funding for educating people about radiation seems to be a low priority for States.

f. No one has addressed the issue of decontamination of the site after an accident.

7. Credibility of Government and Utilities

Many commenters attacked the credibility of the utility companies. Their argument was (1) utility companies were slow to report accidents, (2) the reports were always low key no matter how serious the accident was, and (3) some utilities constantly failed to upgrade safety systems.

FEMA's qualifications and experience to handle Class 9 accidents was questioned: "Where did the experience come from? Three Mile Island? If it did then we have a long way to go if that's the only experience." One commenter questioned FEMA's role as far as resources and efforts in protecting the public health and safety were concerned. FEMA was called "just another agency that is here to assist vested interests which are interested primarily in profits."

It was proposed several times that NRC's credibility could be enhanced if NRC allowed citizen committees to participate in formulating emergency plans and deciding whether the plans were adequate or not. It was felt that many capable people, members of the public, could help in this process--have input into this process.

It was stated that NRC is more interested in protecting the nuclear industry than in safeguarding the public: "We cannot look up to the NRC; we certainly cannot trust the utilities."

8. Petitions to NRC

Several people expressed support of the petition of the Union of Concerned Scientists filed with the Nuclear Regulatory Commission that questioned the overall suitability of siting reactors less than 30 miles from New York City.

9. Miscellaneous Comments

While most members of the public favored Alternative B, the majority felt that it should be modified to include a requirement that plants will remain down until an adequate plan was formed, tested, and concurred in. This would ensure public health and safety.

Other statements were made covering a wide range of topics such as the following:

a. Emergency procedures ought to be considered equivalent to siting and design in the licensing process. They should be considered prior to plant construction. This would allow modifications to the siting or design to be made before construction at a much lower cost.

b. After emergency plans have been formulated, they should be presented to the public in a binding referendum.

c. Regarding the paragraph that says plants will be closed unless inadequacies are not significant, what are the criteria for what is a significant violation? This paragraph seems to provide loopholes. Alternative compensating actions provide more loopholes. If the utility can give the NRC alternative to its proposals, what is NRC doing in making proposals? It is also disturbing that exemptions would be given for undefined compelling reasons. Where are the criteria for any oversight process?

d. The plant should be open to inspection by NRC and privately contracted technicians representing local community groups, and the findings of these inspections should be easily available to the public.

e. How are the people going to be trained to handle these emergencies? Can NRC guarantee that they will be adequately trained?

f. NRC should stress a positive role for the Federal Emergency Management Agency in support of State and local governments in their efforts to grade preparedness capability.

g. There is not much sense in planning for an accident that might not occur or not planning for one that would. We need to determine what kinds of emergency one might be confronted with. Another important item is the vectors that need to be measured in order that some action be taken whether it's evacuation or some other level of planning. Who determines that a requirement is not significant; is it State, local, FEMA, or NRC? Which is the lead agency?

h. If we have sirens around the plant as a warning system, we must insure that these systems get electricity when the plant goes down. A clarified policy as to what FEMA intends to do in warning systems and tactical communication is needed.

i. Much clarification needs to be made in regard to medical treatment of people contaminated offsite during an accident. Some questions include: what provisions will be made for the general public to receive radiation treatment? Who will assume cost of decontamination chambers in the hospitals? Will a sufficient number of doctors, nurses, and supplies be available in case of widespread contamination? Are plans being made to evacuate the hospital should that become necessary?

j. Evacuation may not be necessary because the duration of the accident is short, the cloud passes more quickly than evacuation could occur, and other actions such as shutting up the building may be more appropriate than evacuation.

k. Emergency response training can be made available to various organizations, but there are no requirements that any of these organizations participate in such programs. There is no assurance that any or all of the affected groups would participate.

V. LIST OF REGISTERED PARTICIPANTS

Connecticut

Bettencourt, Lawrence J.
First Selectman
Town of Waterford
Hall of Records
200 Boston Post Road
Waterford, CT 06385

Conti, Larry
First Selectman of Haddam
Town Office Building
P.O. Box 87
Haddam, CT 06438

Heubner, Arthur
Department of Environmental Protection
State Office Building
Hartford, CT 06115

Mancuso, Frank
Office of Civil Preparedness
State Armory
Hartford, CT 06115

McCauliffe, Howard
Deputy Civil Preparedness Director
Route 9A, Higganum
Town Office Building
Haddam, CT 06438

Olver, Russell
Civil Preparedness Director
Route 9A, Higganum
Town Office Building
Haddam, CT 06438

Smith, Patricia
Office of Policy and Management
Energy Division
80 Washington Street
Hartford, CT 06115

Rodgers, Reginald
Chief of Radiation Assessment Branch
Northeast Utilities
P.O. Box 279
Hartford, CT 06115

Delaware

Knapp, Ronald
Operations Officer
Division of Emergency Planning
and Operations
Box C
Delaware City, DE 19706

Illinois

Sundstrom, Cari F.
Supervisor of Environmental Radiation
State of Illinois
Springfield, IL

Maine

Cote, Lionel
State Civil Defense Director
State House
Augusta, ME 04333

Maxwell, Alfred
Office of Energy Resources
55 Capitol Street
Augusta, ME 04333

Stritzky, Ed. G.
Director for Civil Emergency
Preparedness
Lincoln County Courthouse
Wiscasset, ME 04578

Maryland

Brooks, George M.
Director, Maryland Civil Defense and
Disaster Preparedness Agency
Reisterstown Rd. and Sudbrook Lane
Pikesville, MD 21208

Brisson, Richard J.
Director of Radiation Control
Maryland State Dept. of Health
and Mental Hygiene
201 West Preston Street
Baltimore, MD 21201

Liedmann, George
Gov. Executive Assistant
State House
Room 210
Annapolis, MD 21404

Prichett, Thomas
Baltimore Gas and Electric Co.
P.O. Box 1475
Baltimore, MD 21203

Maryland (continued)

Douglas, Robert M.
Manager, Quality Assurance
Baltimore Gas and Electric Co.
P.O. Box 1475
Baltimore, MD 21203

Reimer, E.
Plant Health Physicist
Calvert Cliffs Nuclear Power Plant
Lusley, MD 20657

Massachusetts

Boulay, Robert
Director, Civil Defense Area 4
Dr. Henry L. Padgell Nursery
Belchertown State School
Belchertown, MA 01007

MacDonald, James A.
Manager of Radiological Protection
25 Research Dr.
Westboro, MA 01581

Cunningham, Robert H.
Director
Massachusetts Civil Defense Agency
400 Worcester Road
Framingham, MA 01701

Nolan, Bernard
Director of the Disaster Preparedness Program
Massachusetts Civil Defense Agency
400 Worcester Road
Framingham, MA 01701

Hayes, Jerry
Director of the Office of
Emergency Preparedness
Memorial Hall
Plymouth, MA 02360

Trejo, John
Plant Health Physicist
Star Route
Rowe, MA 01367

Kodak, Andrew
Yankee Rowe
Star Route
Rowe, MA 01367

Michigan

Gurican, Gregory M.
Safety and Licensing Engineer
American Electric Power Service Corp.
2 Broadway
New York, NY 10004

Warnock, Jeffrey J.
Engineer
American Electric Power Service Corp.
2 Broadway
New York, NY 10004

Milioti, Steve
Asst. Nuclear Division Head
American Electric Power Service Corp.
2 Broadway
New York, NY 10004

New Hampshire

Foley, Eileen
State Civil Defense Director
New Hampshire Air National Guard
Building
Peace A.F.B.
Building 257, Room 3
Portsmouth, NH 03801

Nawoj, Mike
New Hampshire Civil Defense Agency
1 Airport Road
Concord, NH 03301

Kinder, Tripper
Assistant Attorney General
State House Annex
Concord, NH 03301

Beckely, Bruce
Public Service Co. of New Hampshire
1000 Elm Southeast
Westchester, NH 03105

New Jersey

Burge, Charles A.
Engineer
Public Service Electric & Gas Co.
80 Park Place
Newark, NJ 07101

Bush, George
Jersey Central Power & Light Co.
Madison Avenue & Punchbowl Road
Morristown, NJ 07960

Garvey, William
Jersey Central Power & Light Co.
Madison Avenue & Punchbowl Road
Morristown, NJ 07960

Hayes, William K.
Civil Defense Coordinator
Ocean County Courthouse
Room 33
Toms River, NJ 08753

Heller, Herbert J.
Manager
Nuclear Operation
Public Service Electric & Gas Co.
80 Park Place
Newark, NJ 07101

Kozak, John J.
Chief, Plans and Operations Bureau
New Jersey State Police
Emergency Management Section
P.O. Box 7068
W. Trenton, NJ 08625

Rogalski, Joseph A.
Supervisor
Emergency Management
State of New Jersey
State Policy Headquarters
West Trenton, NJ 08505

Saynisch, Victor
Operations Bureau
Emergency Management Section
New Jersey State Police
West Trenton, NJ 08625

Stanton, Jack
Deputy Director
Division of Environmental Quality
New Jersey Dept. of Environmental Protection
Room 1110, Labor & Industrial Building
John Fitch Plaza
Trenton, NJ 08625

Laird, S.W.
Manager, Public Relations
Jersey Central Power & Light Co.
Madison Avenue
Morristown, NJ 07960

Maschuci, Joseph N.
Radiological Officer
Ocean County
County Courthouse, Room 33
Toms River, NJ 08753

Metzgar, George
Director
Public Information
Jersey Central Power & Light Co.
Madison Avenue
Morristown, NJ 07960

Pagano, Col. Clinton
Superintendent
New Jersey State Police
P.O. Box 7068
West Trenton, NJ 06825

Rizzolo, Sr., Anthony J.
Principal Engineer
Nuclear Systems
New Jersey Department of Energy
101 Commerce Street
Newark, NJ 07102

Tipton, Thomas
Jersey Central Power & Light Co.
Madison Avenue & Punchbowl Road
Morristown, NJ 07960

Tyler, George
Director
Division of Environmental Quality
New Jersey Dept. of Evironmental Protection
CN-027
Trenton, NJ 08625

Willadsen, Arnold
Civil Defense -DC Coordinator
Salem County
20 Sack Avenue
Penns Grove, NJ 08069

New York

Bayne, J. Phillip
Res. Manager
Power Authority State of NY
10 Columbia Circle
New York, NY 10019

Brandenburg, Brent
Lawyer
Con-Edison
4 Irving Place
New York, NY 10003

Buckley, Robert
West Chester County
Office of Emergency Services
Room L-105
110 Grove Street
White Plains, NY 10601

Burgess, Gary
Oswego County Office of
Emergency Preparedness
2000 North Second Street
Fulton, NY 13069

Cahill, William J.
Vice President, Con-Ed
4 Irving Place
New York, NY 10003

Grushky, Arnold
Director
Office of Disaster Preparedness
Division of Military & Naval Affairs
Public Security Building
State Campus Building
State Campus
Albany, NY 12226

Hazucha, Rudolph F.
Director
Rockland County Office of
Emergency Services
County Office Building
11 New Hempstead Road
New City, NY 10956

Kelly, John J.
Radiation & Environmental Service
Superintendent
Power Authority State of New York
10 Columbus Circle
New York, NY 10019

Chau, Dr. H.
Long Island Lighting Co.
175 East Old Country Road
Hicksville, NY 11801

DaVerio, Charles
Long Island Lighting Co.
175 East Old Country Road
Hicksville, NY 11801

Dunkleburger, Jay
Nuclear Facilities Specialist
New York State Energy Office
Agency Building #2
Governor Rockefeller-Empire
State Plaza
Tower Building
Albany, NY 12237

Gresock, G. J.
Representing Nuclear Licensing
Niagara Mohawk
300 Erie Boulevard West
Syracuse, NY 13202

Leavy, William S.
Director
Local Health Management
New York State Dept. of Health
Governor Rockefeller-Empire
State Plaza
Tower Building
Albany, NY 12237

Lent, Paul
Director
Saratoga Office of Civil Defense
Municipal Center
40 McMaster Street
Ballston Spa, NY 12020

Marasco, Anthony
Director, West Chester County
Office of Emergency Services
Room L-105
110 Grove Street
White Plains, NY 10601

Matuszek, John
Director
Radiological Sciences Laboratory
New York State Dept. of Health
Governor Rockefeller-Empire
State Plaza
Albany, NY 12237

New York (continued

Kokolakis, Peter
Con-Edison
4 Irving Place
New York, NY 10003

Lang, Lee
Superintendent, Nuclear Production
Rochester Gas & Electric Corp.
89 East Avenue
Rochester, NY 14694

Leach, Ed
Supervisor, Health Physics
Niagara Mohawk Power Corp.
Lycoming, NY 13093

Palmer, Laura
Transportation Planner
Suffolk County Dept. of
Transportation
65 Jetson Lane
Hauppauge, NY 11787

Power, Thomas
Cattaurugus County Health Dept.
County Office Building
Olean, NY 14760

Razewski, Stanley
Director
Schenectady County Office
of Civil Defense
531 Liberty Street
Schenectady, NY 12305

Scalpi, Michael
Director, Putnam County
Civil Defense
County Office Building
Carmel, NY 10512

Schmer, Philip
Assistant Director
Orange County Office of
Civil Defense
County Government Center
255 Main Street
Goshen, NY 10924

Smith, Edward H. L.
Assistant Director
Office of Disaster Preparedness
Division of Military & Naval Affairs
Public Security Building
State Campus
Albany, NY 12226

Meunkle, Robert C.
Traffic Safety Division
Suffolk County
Dept. of Transportation
65 Jetson Lane
Hauppauge, NY 11787

Miele, Michael
Long Island Lighting Co.
175 East Old Country Road
Hicksville, NY 11801

Nelson, Alan
Long Island Lighting Co.
175 East Old Country Road
Hicksville, NY 11801

Smith, Br. Gen. Edward J.
Deputy Director
Monroe County Office of
Emergency Preparedness
350 East Henrietta Road
Rochester, NY 14620

Smith, Herbert
Wayne County Office of
Disaster Preparedness
Route 31
Lyons, NY 14489

Sullivan, Richard A.
Manager, Public Relations
Rochester Gas & Electric Corp.
89 East Avenue
Rochester, NY 14649

Terrell, Donald
Plans and Training
Suffolk County Department
of Emergency Preparedness
P.O. Box 127
Yaphank, NY 11980

Walbourn, Donald
Director
Wayne County Office of
Disaster Preparedness
Route 31
Lyons, NY 14489

Ohio

Conner, Troy B., Jr.
(Representing Cincinnati Power Co.)
1747 Pennsylvania Ave., Northwest
Washington, DC 20006

Pennsylvania

Allshouse, Bruce
Engineer
Philadelphia Electric Company
2301 Market Street
Philadelphia, PA 19101

Bigbee, Dave
Emergency Planning Coordinator
Med Edison
P.O. Box 480
Middletown, PA 17057

Chiodo, R.
County Emergency Preparedness Coordinator
Beaver County
P.O. Box 250
Beaver, PA 15009

Collopy, Peter
Health Physicist
Pennsylvania Power & Light Co.
2 North 9th Stree
Allentown, PA 18101

Cooney, M. J.
Generation Division Superintendent-Nuclear
Philadelphia Electric Company
2301 Market Street
Philadelphia, PA 19101

Ely, Samuel
County Emergency Preparedness Coordinator
100 Wilson Boulevard
Eagleville, PA 19403

Farber, Gerald
Pennsylvania Power & Light Co.
2 North 9th Street
Allentown, PA 18101

Hogan, Aloysius J.
Staff Engineer
Philadelphia Electric Company
2301 Market Street, N2-1
Philadelphia, PA 19101

Rhode Island

Hofinger, Leopold F.
Operations & Planning Officer
Rhode Island Civil Preparedness Agency
State House
Providence, RI 02903

Knapp, Walter
Philadelphia Electric Company
2301 Market Street
Philadelphia, PA 19101

Lewski, Frank
County Emergency Management Coordinator, York County
1195 Roosevelt Avenue
York, PA 17404

Lothrop, James N.
Pennsylvania Emergency Management Agency
P.O. Box 3321
Harrisburg, PA 17120

Molloy, Kevin J.
Dauphin County Emergency Management Coordinator
Courthouse - Room 7
Front and Market Street
Harrisburg, PA 17101

Tabak, Sam
County Emergency Preparedness Office
100 Wilson Boulevard
Eagleville, PA 19403

Townend, Frank
County Emergency Preparedness Coordinator
County Court House
Wilkes-Barre, PA 18702

Barberich, William
Licensing Supervisor
Pennsylvania Power & Light Co.
2 North 9th Street
Allentown, PA 18101

South Carolina

Babb, H. T.
General Manager
Nuclear Operations
South Carolina Electric and Gas Co.
P.O. Box 74
Columbia, SC 29218

DeLoach, Col. James W.
Director
Civil Defense
Richland County
Federal Land Bank Building
1401 Hampton Street
Columbia, SC 29201

Douglas, George G.
Director
Disaster Preparedness Agency
Fairfield County
Winnsboro, SC 29180

Vermont

Ball, Burton M.
Technical Assistant
Vermont Yankee Nuclear Power Corporation
Vernon, VT 05354

Nelson, Theodore R., Jr.
Director of Planning for Public Safety
Department of Public Safety
Montpelier, VT 05062

Skibniowsky, Steve
Technical Assistant
Vermont Yankee Nuclear Power Corporation
Vernon, VT 05354

Arizona

Brown, Leon
Radiological & Chemistry Supv.
Arizona Public Service Co.
M.S. 4015, P.O. Box 21666
Phoenix, AZ 85036

Fitzrandolph, Lynn
Associated Director
Arizona Atomic Energy Commission
2929 West Indian School Road
Phoenix, AZ 85017

Kyle, John
Division of Emergency Services
Nuclear Planners
5636 East McDowell Road
Phoenix, AZ 85008

Arkansas

Epperson, Lee
Director
Office of Emergency Service
P.O. Box 758
Conway, AR 72032

James, Dale E.
Licensing Engineer
Arkansas Power & Light Co.
P.O. Box 551
Little Rock, AR 72203

Lyford, Robert
Governor's Liaison to the
Dept. of Public Safety
Office of the Governor
State House
Little Rock, AR 72201

Rueter, Don
Director, Technical and
Environmental Services
Arkansas Power & Light Co.
P.O. Box 551
Little Rock, AR 72203

Trotter, Scott C.
State Energy Administration
Arkansas Department of Energy
3000 Kavanaugh Boulevard
Little Rock, AR 72205

Wilson, E. Frank
Arkansas Department of Health
Environmental Section
4815 West Markham Street
Little Rock, AR 72201

California

Blanc, Gene A.
Manager, Agency Relations
Pacific Gas & Electric Co.
77 Beale Street
San Francisco, CA 94106

Brown, Sue
Public Information Rep.
Pacific Gas & Electric Co.
1401 Fulton
Fresno, CA 93704

Casey, Samuel
Counsel Representing
Southern California Edison Co.
Chickering & Gregory
3 Embarcasero
San Francisco, CA 94111

Chambers, William
Operational Area Coordinator
Humble County
Office of Emergency Services
825 5th Street
County Courthouse
Eureka, CA 95501

Clifton, Fred
RDO
Stanislaus County
1100 4th Street
Modesto, CA 95351

Davin, Dick
Coordinator-Nuclear Information
Pacific Gas & Electric Co.
77 Beale Street
San Franscisco, CA 94106

Draeger, F. R.
Supervisor - Public Info.
Pacific Gas & Electric Co.
77 Beale Street
San Francisco, CA 94106

Fries, Robert
Deputy Director of Emerg. Sevices
Stanislaus County
P.O. Box 3404
Modesto, CA 95353

Kearns, J.
Assistant Director
California Office of Emergency Services
2800 Meadowview Road
Sacramento, CA 95823

California (continued)

Locke, Richard
Pacific Gas & Electric Co.
77 Beale Street
San Francisco, CA 94106

Maestretti, Don W.
Chief of Radiological Defense Division
State Office of Emergency Services
P.O. Box 9577
Sacramento, CA 95823

Manning, Roy
Civil Defense Director
Orange County
Office of Emergency Services
625 North Ross Street
Room B-169
Santa Ana, CA 92701

Martin, Don
Environmental Specialist
Sacramento Municipal Utility District
6201 South Street
Sacramento, CA 95813

McBarron, David
Corp. Comm. Rep.
Southern California Edison
P.O. Box 800
Rosemead, CA 91770

Ness, Tim
Emergency Services Coordinator
Emergency Services Office
Court House Annex
Room A-205
San Luis Obisop, CA 93408

Peters, Henry
Engineer
San Diego Gas & Electric Co.
San Diego, CA 92112

Pilmer, David F.
Engineer
Southern California Edison
2244 Walnut Grove Avenue
Rosemead, CA 91770

White, Hal
Emergency Services Coordinator
Office of Emergency Operations
3700 Branch Center Road
Sacramento, CA 95827

Woolf, Loren A.
Utilities Coodinator
State of California, Office of
Emergency Services
2800 Meadowview Road
Sacramento, CA 95835

Colorado

Burns, Robert A.
Manager, Media Relations Division
Public Service Company of Colorado
550 15th Street, Room 950
Denver, CO 80202

Byrne, Pat
Director
Division of Disaster Emergency Services
Camp George West
Golden, CO 80401

Steinmark, June K.
County Commissioner
Weld County
1824 23rd Avenue Lane
Greeley, CO 80631

Reeves, Gary D.
News Director
Public Service Company of Colorado
P.O. Box 840
Denver, CO 80201

Kansas

Koerper, Lyle
Manager, Information Services
Kansas Gas & Electric Co.
P.O. Box 208
Wichita, KS 67201

Lewis, Ray, Jr.
Kansas Gas & Electric Co.
P.O. Box 208
Wichita, KS 67201

Mannell, Leon H.
Radiological Systems Administrator
Division of Emergency Preparedness
P.O. Box C-300
Topeka, KS 66601

Louisiana

Benedetto, William L.
Communication Sup. - LA.
Gulf States Utilities Co.
P.O. Box 2431
Baton Rouge, LA 70621

New Mexico

Sedillo, Cruz M.
Deputy Director
Civil Emergency Preparedness Division
P.O. Box 4277
Santa Fe, NM 87501

Oklahoma

Bennett, Steve
Licensing Engineer
Public Service Company of Oklahoma
P.O. Box 201
Tulsa, OK 74102

McHard, Dale
Chief, Occupational and Radiological Health Service
State Department of Health
Northeast 10th & Stonewall Streets
P.O. Box 53551
Oklahoma City, OK 73152

Risk, Richard
Manager of Nuclear Information
Public Service Company of Oklahoma
P.O. Box 201
Tulsa, OK 74102

Oregon

DeFrance, John
Columbia County
Emergency Services
Court House
St. Helens, OR 97051

Godard, Don
Department of Energy
Labor & Industries Building
Room 111
Salem, OR 97310

Landrey, Bruce
Director News Bureau
Portland General Electric Co.
121 Southwest Salmon
Portland, OR 97204

Walt, Tom
Supervisor Radiological Engineer
Portland General Electric Co.
121 Southwest Salmon
Portland, OR 97204

Nebraska

Bogus, Ron
Public Information Manager
Nebraska Public Power District
P.O. Box 499
Columbus, NE 68601

Gautier, Mark
Media Relations Manager
Omaha Public Power District
1623 Harney
Omaha, NE 68102

Weaver, Jeff
Licensing Manager
Nebraska Public Power District
P.O. Box 499
Columbus, NE 68601

South Dakota

Brich, Randy
Dept. of Health
Division of Air Quality and Solid Waste
Old Carnegie Library
Pierre, SD 57501

Texas

Born, Clarence L.
Plans & Operations Officer
Governor's Div. of Disaster Emergency Services
P.O. Box 4087
Austin, TX 78773

Lawhn, Bob
Lead Engineer
EDC C-280
Houston Lighting & Power Co.
P.O. Box 1700
Houston, TX 77001

Texas (continued)

Painter, Graham
Manager Public Affairs
P.O. Box 1700
Houston, TX 77001

Shants, Frank B.
Nuclear Information Coordinator
Texas Utilities Services Inc.
2001 Bryan Tower
Dallas, TX 75201

Kuykendall, J.C.
General Superintendent
Texas Utilities Generating Co.
P.O. Box 2300
Glen Rose, TX 76048

Utah

Bunger, James W.
State Science Adivsor
Room 104 State Capitol
Salt Lake City, UT 84114

Washington

Everett, J. V.
Washington Public Power Supply System
P.O. Box 968
Richland, WA 99352

Garnant, Gary
Washington Public Power Supply System
P.O. Box 968
Richland, WA 99352

Hansen, Gleo
Sr. Projects Engr.
Energy Facility Site Evaluation Council
820 East 5th Avenue
Olympia, WA 98504

Sorensen, Gerald
Supervisor of Licensing
Washington Public Power Supply System
P.O. Box 968
Richland, WA 99352

Strong, T. R.
Head, Radiation Control Program
Washington State
DHSH, MS LD-11
Olympia, WA 98504

Wilcox, Forrest
Special Projects Coordinator
4220 East Martin Way
Olympia, WA 98504

Wyoming

Johnson, Edd
Chief
Radiological Health Services
Div. of Health & Medical Services
Hathaway Building, 4th Floor
Cheyenne, WY 82002

Connecticut

Libby, Clifford
Engineer
Northeast Utilities
P.O. Box 270
Hartford, CT 06101

Illinois

Barron, William
Asst. County Administrator
Lake County Administration Bldg.
Waukegan, IL 60085

Blackborn, James A.
Illinois Department of Public Health
535 West Jefferson
Springfield, IL 62761

Chaney, Vernon L.
Staff Assistant
Commonwealth Edison Co.
72 West Adams, Room 1248
Chicago, IL 60690

Check, Geoffrey
Illinois Commerce Commission
527 East Capital
Springfield, IL 62706

Day, G.
Illinois Atomic Energy Commission
524 South 2nd
Springfield, IL 62702

del George, Louis O.
(34 FNE)
Nuclear Licensing Administrator
Commonwealth Edison Co.
P. O. Box 767
Chicago, IL 60515

Galle, Dennis P.
Manager of Operations,
Nuclear Station Division
Commonwealth Edison Co.
P. O. Box 767
Chicago, IL 60690
(Attn: D. P. Galle)
1230 E

Golden, John C.
Staff Radioecologist
Commonwealth Edison Co.
72 West Adams Street
Chicago, IL 60603

Hallgren, Warren C.
6120 78th Avenue
Milan, IL 61264

Hogan, John
Commonwealth Edison Co.
One 1st National Plaza
Box 767
Chicago, IL 60690

Jones, E. Erie, Director
Illinois Emergency Services
& Disaster Agency
Marion, IL 62706

Murphy, Kenneth
Whiteside County Coordinator
400 North Cherry Street
Morrison, IL 61270

Musico, Bruce
Environmental Control Engineer
Illinois Department of Public Health
Division of Nuclear Safety
535 West Jefferson
Springfield, IL 62761

Plunkett, Tom
Clinton Power Station
Illinois Power Co.
P. O. Box 915
Mail Code T-31
Clinton, IL 61727

Prendergast, Edward
Coordinator Emergency Preparedness
City of Chicago
1044 North Orleans
Chicago, IL 60610

Smith, David
Coordinator, Region II
Illinois Emergency Services
& Disaster Agency
421 West First Street
Dixon, IL 61021

Strain, Marilyn
City Hall
118 West Washington
Clinton, IL 61727

Talarico, Joseph J.
Will County Coordinator
Will County Courthouse Annex
14 West Jefferson
Joliet, IL 60433

Illinois (continued

Temple, Joseph
Grundy County Coordinator
Grundy County Courthouse
111 East Washington Street
Morris, IL 60450

Tidd, Emerson D.
Box 306
Mendota, IL 61342

Waage, Edward
Illinois Emergency Services
110 East Adams
Springfield, IL 62706

Wasserman, Mitchell
Assistant
Village of Northfield
361 Napp Road
Northfield, IL 60093

Weaver, Kit T.
Staff Assistant
Commonwealth Edison
RR #1, Box 84
Braceville, IL 60407

Willaford, Felix
Staff Assistant
Commonwealth Edison
Braidwood NPS
Braidwood, IL 60407

Indiana

Glaze, Gerald
Director, Civil Defense
90 Senate Office Building
100 North Senate Avenue
Indianapolis, IN 46204

Houchins, William
Staff Licensing Engineer
Public Service of Indiana
1000 East Main Street
Plainfield, IN 46168

Kaldenberg, Mark
Engineer
Northern Indiana Public Service Co.
R.R. 3, Box 501
Chesterton, IN 46308

LaBarbera, Vincent P.
Information Service Mgr.
Indiana & Michigan Electric Co.
P. O. Box 60
Ft. Wayne, IN 46801

Morton, Don F.
Attorney
Wabash Valley Power Association
700 N. High School Rd.
Indianapolis, IN 46224

Iowa

Arnold, Duane Jr.
Superintendent of Transportation
Iowa Electric Light & Power Co.
P.O. Box 351
Cedar Rapids, IA 52406

Bjorenson, William
Linn County Municipal Civil Defense
City Hall - Civil Defense Center
Cedar Rapids, IA 52401

Crandall, John D.
Director for Disaster Services
Room A29 Hoover Building
Des Moines, IA 50319

Webb, Horace S.
Vice President
Iowa Electric Light & Power Co.
P.O. Box 351
Cedar Rapids, IA 52406

Michigan

Axtell, Charles E.
Plant Health Physicist
Consumers Power Company
Big Rock Point Plant
Petoskey, MI 49770

Begor, Roland
Staff Assistant
c/o Indiana & Michigan Electric Co.
P.O. Box 458
Bridgman, MI 49106

Cook, F/Lt. Raymond
Assistant Commanding Officer
Michigan Department of State Police
Emergency Services Division
111 South Capital Avenue, 2nd Floor
Lansing, MI 48913

Eckert, Jon R.
Office of Civil Preparedness
Monroe County
106 East First Street
Monroe, MI 48161

Michigan (continued)

Freer, Michael W.
Emergency Services Director
Midland County
County Courthouse
Midland, MI 48640

Jury, Milton
Emergency Planning Supervisor
Consumer Power
1945 West Parnell Road
Jackson, MI 49201

Muma, Earl F.
Emergency Services Coordinator
Charlevoix County
1000 Grant Street
Charlevoix, MI 49720

Strodl, Walter R.
Health Physicist
Consumers Power Company
P.O. Box 1593
Midland, MI 48640

Stump, Richard E., Sheriff
VanBuren County Emergency Preparedness
205 South Kalamazoo Street
Paw Paw, MI 49079

Thompson, Fred
Berrien County Sheriff
Office of Emergency Preparedness
919 Port Street
St. Joseph, MI 49085

Tunison, Alice
Deputy Director
Emergency Services
Charlevoix County
203 Grant
Charlevoix, MI 49720

Winters, Michael E.
Road Commissioner
Monroe County Road Comm.
South Telegraph Road at 7th
Monroe, MI 48161

Zale, Thad M.
Nuclear Civil Protection Supervisor
Michigan State Police Emergency
Service
111 South Capital, 2nd Floor
Lansing, MI 48913

Minnesota

Frederick, W. J.
Assistant Admin. Regulator Liaison
Environmental and Regulatory
Activities Dept.
Northern States Power Co.
414 Nicollet Mall
Minneapolis, MN 55401

Goldsmith, Janet
Communications Rep.
Northern States Power Co.
414 Nicollet Mall
Minneapolis, MN 55401

Krause, Deidre M.
Operations Officer
B5 State Capitol
St. Paul, MN 55155

London, Steve
Supervisor, Media Serv.
Northern States Power Co.
414 Nicollet Mall
Minneapolis, MN 55401

Massett, Dean
472 12th Street
Red Wing, MN 55066

Nolan, Larry
Engineer
Northern States Power Co.
Route 3
Monticello, MN 55362

Panch, Ken
Asst. Comm., State of Minn.
Room 211, MN DOT Bldg.
St. Paul, MN 55155

Reese, Genell K.
County Civil Defense Director
Wright County
9 Northwest First Street
Buffalo, MN 55313

Stenroos, Rod
Asst. Supt. Rad. Protection
Northern States Power Co.
Route 2
Welch, MN 55033

Ward, E. C.
Manager
Nuclear Environmental Services
Nuclear Support Services
Northern States Power Co.
414 Nicollet Mall
Minneapolis, MN 55401

Missouri

Atchison, George M.
Director, Disaster Operations Office
1717 Industrial Drive
P.O. Box 116
Jefferson City, MO 65102

Capone, Donald W.
Assist. Manager
Nuclear Engineering
Union Electric Co.
P.O. Box 149
St. Louis, MO 63166

Johnson, William K.
Supervisor
Radiological Systems and Maintenance
Disaster Operations Office
1717 Industrial Drive
P.O. Box 116
Jefferson City, MO 65102

Schnell, Donald F.
Manager
Nuclear Engineering
Union Electric Co.
P.O. Box 149
St. Louis, MO 63166

Slaten, Neil
Nuclear Environmental Eng.
Union Electric Co.
P.O. Box 149
St. Louis, MO 63166

Nebraska

Franco, Fred
Supervisor, Chemical and
Radiation Protection
Omaha Public Power District
1623 Harney
Omaha, NE 68102

Hafits, Marvin
Civil Defense Director
Region V
605 North Broad Street
Fremont, NE 68025

Laden, Francis A.
Assistant Director
State Civil Defense Agency
1300 Military Road
Lincoln, NE 68508

New York

Warnock, J.
Engineer
I&ME Company
2 Broadway
New York, NY 10004

Ohio

Altemuehle, Dave
Cincinnati Gas & Electric Co.
P.O. Box 960
Cincinnati, OH 45201

Cole, Kenneth B.
Radiological Officer
Ohio D.S.A.
2725 West Granville Rd.
Worthington, OH 43085

Conover, Kenneth
Director
Clarmont County Disaster Services
1408 Fagan Run Road
New Richmond, OH 45157

Erickson, Dean
Rad. Chemical Engineer
Cincinnati Gas and Electric Co.
P.O. Box 960
Cincinnati, OH 45201

Erndt, Edmund
Lake County Disaster Services
39 Fairdale Street
Painesville, OH 44077

Ficke, Greg
Nuclear Licensing Engineer
Cincinnati Gas and Electric Co.
P.O. Box 960
Cincinnati, OH 45201

Ohio (continued)

Greer, James
Director
Ottawa County Disaster Services
315 Madison Street, Room 308
Port Clinton, OH 43452

Hirsch, Judith
Special Projects Coord.
Toledo Edison Co.
300 Madison Avenue
Toledo, OH 43652

Kemp, Dan
Cincinnati Gas & Electric Co.
P.O. Box 960
Cincinnati, OH 45201

Kensicky, Steve
Radiation Protection Engineer
The Cleveland Electric Illuminating Co.
10 Center Road
Perry, OH 44081

Lorton, Stephen G.
Gen. Supervisor-Public Relations
The Cleveland Electric Illum. Co.
P.O. Box 5000
Cleveland, OH

Lunceford, Roy
Lucas County
1622 Spielbusch Avenue
Toledo, OH 43624

Mazur, James
Commissioner, Ottawa County
340 North Sackett
Lakeside, OH 43440

Stewart, Albert D.
Director
Lake County Disaster Services
39 Fairdale Street
Painsville, OH 44077

Wells, C. E.
Administrative Coodinator
Toledo Edison Co.
300 Madison Avenue
Toledo, OH 43652

Williams, James R.
Nuclear Preparedness Officer
Ohio Disaster Services Agency
2825 West Grandville Road
Worthington, OH 43085

Oklahoma

Conrad, Vaughn L.
Manager, Licensing & Compliance
Public Service Company of Oklahoma
P.O. Box 201
Tulsa, OK 74102

Gallo, Joseph
Attorney
Public Service Company of Oklahoma
P.O. Box 201
Tulsa, OK 74102

Wisconsin

Brandl, Grace
1025 South Ninth Street
Manitowoc, WI 54220

Czarnecki, Gilbert
Director, Bureau of Civil Preparedness
Wisconsin Division of Emergency Government
4802 Sheboygan, Room 998
Madison, WI 53702

Iltis, T. J.
Director, Nuclear Affairs
Wisconsin Power & Light Co.
P.O. Box 192
Madison, WI 53703

Kiefer, Mike
Public Information Supervisor
Wisconsin Public Service Corp.
700 N. Adams
Green Bay, WI 54301

Kieffer, Mike
Wisconsin Public Service Corp.
P.O. Box 1200
Green Bay, WI 54305

Koss, Roy
416 Fremont
Algoma, WI 54201

Lipke, Edward
Senior Project Engineer
Wisconsin Electric Power Co.
231 West Michigan
Milwaukee, WI 53201

Mockrud, Paul
Vernon County
406 South Center
Viroqua, WI 54665

Wisconsin (continued)

Mlynszak, M. M.
Principal Consultant
NUTECH
7910 Woodmont Avenue
Suite 206
Bethesda, MD 20014
(Consultant to Wisconsin Public Service)

Richmond, John
Technical Supervisor
Wisconsin Public Service Corp.
Route 1, Box 48
Kewaunee, WI 54216

Stern, Mike
Nuc. Licensing & Systems Supervisor
Wisconsin Public Service Corp.
P.O. Box 1200
Greenbay, WI 54305

Wilson, Bill
Supt. Information Services
Wisconsin Electric Power Co.
231 West Michigan
Milwaukee, WI 53201

Alabama

Aldridge, James W.
Division Coordinator
Dothan/Houston County Court House
P.O. Drawer 6406
Dothan, AL 36301

Black, Spencer
Director, Civil Defense
300 South Jefferson
Athens, AL 35611

Godwin, Aubrey
Director, Division of Rad. Health
Department of Health
State Office Building
Montgomery, AL 36130

Kingsley, Oliver
Assist. Manager
Nuclear Generation
Alabama Power Company
P.O. Box 2641
Birmingham, AL 35291

Oakes, David
FNF Planner
State Civil Defense Department
64 North Union Street
Montgomery, AL 36130

Parrish, Sam
Radiological Officer
State Civil Defense Department
64 North Union Street
Montgomery, AL 36130

Proctor, Howard
Director
Morgon County Civil Defense
P.O. Box 668
Decatur, AL 35602

Wade, F. Neal
Mgr, Public Communication
Alabama Power Company
P.O. Box 2641
Birmingham, AL 35291

Florida

Allen, George
Citrus County Courthouse
Department of Disaster Preparedness
110 North Apopka Avenue
Inverness, FL 32650

Bereznak, John J.
Civil Defense Director
Levy County, Florida
P.O. Box 221
Bronson, FL 32621

Burke, John
Division Director
Division of Public Safety Planning
and Assistance
530 Carlton Building, Room 136
Tallahasse, FL 32301

Capo, Mary Ann
Radiation Engineer
Offshore Power System
P.O. Box 8000
Jacksonville, FL 32211

Evertz, Harry A.
P.O. Box 14042
C-4 Mail Stop
St. Petersburg, FL 33733

Fischer, A. C.
Dade County Civil Defense
5600 Southwest 87 Avenue
Miami, FL 33173

Grozan, Tom
Licensing Engineer
Florida Power & Light Co.
P.O. Box 529100
Miami, FL 33152

Hill, Larry
Licensing Specialist
Florida Power Corporation
P.O. Box 14042
C-4 Mail Stop
St. Petersburg, FL 33733

Johnson, Wallace
Public Health Physicist
Florida Department of HRS
P.O. Box 15490
Orlando, FL 32858

Johnson, William C.
Dir., Public Information
Florida Power Corp.
P.O. Box 14042
St. Petersburg, FL 33733

Kingsbury, Sam
Florida Power & Light Co.
P.O. Box 529100
Miami, FL 33152

Kohler, Robert
Radiological Officer
Florida Bureau of Disaster Preparedness
1909 Old Fort Drive
Tallahassee, FL 32301

Florida (continued)

Lutkehaus, T.
Tech. Services Supt.
Florida Power Corp.
P.O. Box 14042
Crystal River, FL 32629

Rodi, Phillip
St. Lucy County Division of
Disaster Preparedness
408 Browns Street
Fort Pierce, FL 33450

Georgia

Altman, David
News Service Supervisor
The Southern Co.
P.O. Box 720031
Dept. 343
Atlanta, GA 30346

Apple, Fred
Senior Research Engineer
Applied Physical Technology
2734 South Cobb Industrial Boulevard
Smyrna, GA 30080

Benson, Arthur W.
Mgr., Security Dept.
Georgia Power Co.
6 La Vista Park, Suite 110
Tucker, GA 30084

Benson, Jimmy B.
Environmental Specialist
EDO Georgia
270 Washington Street Southwest
Atlanta, GA 30334

Cline, Bill
Environmental Protection Division
Georgia Department of Natural Resources
270 Washington Street, Southwest
Atlanta, GA 30334

Fuchko, John M.
Security Dept., Preventive Security
Georgia Power Co.
6 La Vista Park
Tucker, GA 30084

Kirkland, Bob
Assoc. Dir.
Georgia Tech. Nuclear Res. Center
900 Atlantic Drive
Atlanta, GA 30332

McLaughlin, Marshall
Nuclear Planner
Georgia Civil Defense
659 East Confederate Avenue
Atlanta, GA 30316

Motz, J. H., Jr.
Environmental Engineer
Georgia Power Co.
P.O. Box 4545
Atlanta, GA 30302

Phillips, Roland
Environmental Protection Division
Georgia Department of Natural Resources
270 Washington Street, Southwest
Atlanta, GA 30334

Widener, Ronald
Civil Defense Director
Lyons/Toombs County
P.O. Box 487
Lyons, GA 30436

Widner, W. A.
General Manger of Nuclear Generation
Georgia Power Co.
P.O. Box 4545
Atlanta, GA 30302

Wilbanks, James W.
Radiological Officer
Georgia Civil Defense
959 East Confederate Avenue
Atlanta, GA 30316

Winkler, Howard
News Services Mgr.
Georgia Power Co.
P.O. Box 4545
Atlanta, GA 30302

Kentucky

Martin, Craig
Operations Specialist
Kentucky Disaster & Emergency Services
EOC Building
Boone Center
Frankfort, KY 40601

Louisiana

Bohlinger, L. H.
Nuclear Project Coordinator
Nuclear Energy Division
Louisiana Department of Natural Resources
P.O. Box 14690
Baton Rouge, LA 70898

Cadwallader, John
Nuclear Energy Division
Louisiana Department of Natural Resources
P.O. Box 14690
Batton Rouge, LA 70898

Chaisson, Joel T.
Rep. Elect. Dist. 56
St. Charles & St. John Parishes
P.O. Box 399
Destrehan, LA 70047

Friloux, Kevin
Parish Administrator
for St. Charles Parish
P.O. Box 302
Hahnville, LA 70057

Lucas, John M.
Civil Defense Director
for St. Charles Parish
P.O. Box 302
Hahnville, LA 70057

Madere, Bertram P.
Civil Defense Director
St. John, Louisiana
St. John the Baptist Parish
P.O. Box 359, Percy Herbert Building
LaPlace, LA 70896

Miller, George
Louisiana Power & Light Co.
Waterford 3
P.O. Box B
Killona, LA 70066

Padgett, Jack
Louisiana Office of Emergency Preparedness
P.O. Box 66536
Baton Rouge, LA 70896

Prados, Roy
Louisiana Power & Light Co.
Waterford 3
P.O. Box B
Killona, LA 70066

Wahden, W.
Louisiana Power & Light Co.
Waterford 3
P.O. Box B
Killona, LA 70066

Michigan

Kasperski, Daniel C., Dr.
Manager, Licensing & Regulatory
Gilbert/Commonwealth
209 East Washington
Jackson, MI 49201

Mississippi

Fitzgerald, Randy
Mississippi Power & Light Co.
P.O. Box 1640
Jackson, MS 39205

Maher, J. E.
Chief Planner
Mississippi Civil Defense Council
P.O. Box 4501
Fondren Station
Jackson, MS 39216

Richardson, John
Manager of Licensing
Mississippi Power & Light Co.
P.O. Box 1640
Jackson, MS 39205

Forsythe, Ronald J.
Asst. Director - Div. of Rad. Health
MS State Board of Health
P.O. Box 1700
Jackson, MS 39205

McKeigney, Alex
Vice President
Mississippi Power & Light Co.
P.O. Box 1640
Jackson, MS 39205

Yelverton, Dale
Mississippi Civil Defense Council
P.O. Box 4501
Fondren Station
Jackson, MS 39216

North Carolina

Buffaloe, Jim
Ass't. State Director, Div. of Emer. Mgmt
1827 White Oak Road
Raleigh, NC 27608

Hubert, Arthur L.
Site Representatitve
North Carolina Municipal Power Agency
Suite 208
222 North Person Street
Raleigh, NC 27601

Irwin, Linda G.
Information Specialist
Carolina Power & Light Co.
P.O. Box 1551
Raleigh, NC 27612

Kelly, David
Asst. Secretary of Crime Control & Public Safety
P.O. Box 27687
Raleigh, NC 27611

Kimmel, June M.
P.O. Box 488
Davidson, NC 28036

Koehler, R. M.
Coordinator of Emergency Responses
Steam Production Department
Duke Power Co.
P.O. Box 33189
Charlotte, NC 20242

Lamar, Thomas C. Sr.
Asst. Director Div. of Emer. Mgt.
North Carolina State Gov.
116 West Jones Street
Raleigh, NC 27611

Lewis, Lionel
System Health Physicist
Duke Power Co.
P.O. Box 33189
Charlotte, NC 28242

Sharpe, Robert O.
Nuclear Engineer
Duke Power Co.
P.O. Box 33189
Charlotte, NC 28242

Tomlinson, Eugene Jr.
Mayor of South Port
P.O. Box 636
South Port, NC 28461

Webster, B. H.
Director of Generation Services
Carolina Power & Light Co.
P.O. Box 1551
Raleigh, NC 27602

Pennsylvania

Carey, J. J.
Director of Nuclear Operations
Duquesne Light Co.
435 Sixth Avenue
Pittsburgh, PA 15219

Koepfinger, J. L.
Protection & Communication Engr.
Duquesne Light Co.
435 Sixth Avenue
Pittsburgh, PA 15219

Korcan, Joseph B.
Supt. of Communications
Duquesne Light Co.
435 Sixth Avenue
Pittsburgh, PA 15219

Skledar, Frank M.
Div. of Public Information
Duquesne Light Co.
435 Sixth Avenue
Pittsburgh, PA 15219

Williams, Drexel H.
Results Coordinator
Duquesne Light Co.
435 Sixth Avenue
Pittsburgh, PA 15219

South Carolina

Andonaegui, James R.
Emergency Preparedness Coordinator
1920 Saturn Avenue
Columbia, SC 29209

Beale, Ken
Emergency Coordinator
South Carolina Electric & Gas Co.
P.O. Box 88
Jenkinsville, SC 29265

South Carolina (continued)

Boone, Gaines
Edgar A. Brown Building
1205 Pendleton Street
Columbia, SC 29201

Clary, Ronald B.
South Carolina Electric & Gas Co.
P.O. Box 764
Columbia, SC 29209

Conner, Troy B., Jr.
(Representing South Carolina Electric and Gas Company)
1747 Penn. Avenue, N.W.
Washington, DC 20006

DeLoach, Col. James
Director of Civil Defense
Richland County
Federal Land Bank Building
1401 Hampton Street
Columbia, SC 29201

Mahan, Randolph R.
South Carolina Electric & Gas Co.
328 Main Street
Columbia, SC 29218

McLeod, Purdy B., Jr.
Chief, Plans
South Carolina Emergency Preparedness Division
Office of the A.G.
1429 Senate Street
Columbia, SC 29201

Merrick, John
Edgar A. Brown Building
1205 Pendleton Street
Columbia, SC 29201

Thomas, Lee M.
Director
Division Public Safety Program
Office of the Governor
Edgar A. Brown Building
1205 Pendleton Street
Columbia, SC 29201

White, James L.
County Manager
Darlington County Courthouse
Darlington, SC 29532

Whitlock, James
Pickens County Council
Fort Hill Federal Savings and Load Association
Clemson, SC 29631

Williams, Emory F.
South Carolina Dept. Health & Environmental Control
Columbia, SC 29201

Tennessee

Chandler, Lance
State Civil Defense
National Guard Armory
Sidco Drive
Nashville, TN 37204

Graham, Bill
Director
Division of Radiological Health
Tennessee Department of Health
C 2-212 Cordell Hull Building
Nashville, TN 37219

Inman, Dave
Regional Coordinator
State Civil Defense
National Guard Armory
Sidco Drive
Nashville, TN 37204

Larsen, Diane K.
Radiological Physicist
TVA Assigned to Tenn. Dept. of Public Health
Cordell Hull Building
Nashville, TN 37219

Suiter, Lacy E.
Dir. Emergency Operations
State Civil Defense
National Guard Armory
Sidco Drive
Nashville, TN 37214

Wisenburg, Mark
Staff Nuclear Engineer
Tennessee Valley Authority
400 Chestnut Street, Tower II
Chattanooga, TN 37401

Texas

Hackney, Charles A.
Gulf States Utility
P.O. Box 2951
Beaumont, TX 77704

Virginia

Allard, Henry G.
RERP Lead Planner
310 Turner Road
Richmond, VA 23225

Cameron, W. Wayne
Superintendent of Technical Services
VEPCO
P.O. Box 26666
Richmond, VA 23261

Holmes, Sherlock
Director, Emergency Services
P.O. Box 263
Surry, VA 23883

Manrique, Mary Ann
Deputy Coor. of Emergency Services
P.O. Box 160
Louisa, VA 23093

Stenzel, Thomas E.
Public Relations Representative
VEPCO
P.O. Box 26666
Richmond, VA 23261

Thompson, Carol
Director of Social Services/Emergency Services Coordinator
P.O. Box 263
Surry, VA 23883

West Virginia

Aaroe, W. H.
Director, Ind Hygiene Div
West Virginia Dept. of Health
151 11th Avenue
S. Charleston, WV 25303

Lisko, Albert M.
NCP Planning Officer
West Virginia Office of Emergency Service
State Capitol Building, Room BE 80
Charleston, WV 25305

APPENDIX A

PROPOSED RULE ON EMERGENCY PLANNING

FOR NUCLEAR POWER PLANTS

Proposed Rules

Federal Register
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Wednesday, December 19, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed Rule.

SUMMARY: The Nuclear Regulatory Commission, after considering the public record available concerning licensee, State and local government emergency preparedness, and the need to enhance protection of the public health and safety, is proposing to amend its regulations to provide an interim upgrade of NRC emergency planning regulations. In a few areas of the proposed amendments, the Commission has identified two alternatives which it is considering. In each instance both alternatives are presented in the following summary of the proposed changes and in the specific proposed rule changes presented in this notice. The final rule will not necessarily incorporate all of the first alternatives or all of the second alternatives. That is, in some instances the first alternative may be adopted and in others, the second alternative may be adopted. Further alternatives may be adopted as a result of consideration of public comments.

In one alternative (Alternative A), the proposed rule change would not automatically require suspension of operations for lack of concurrence in appropriate State and local government emergency response plans on the date specified in the rule, even if the Commission by that date has not yet determined whether the reactor should be allowed to continue to operate. It would:

1. Require NRC concurrence in the appropriate State and local government emergency response plans prior to operating license issuance, unless the applicant can demonstrate to the satisfaction of the Commission that deficiencies in the plans are not significant for the nuclear power plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for license issuance.

2. For nuclear power reactors already licensed to operate, if appropriate State and local emergency response plans have not received NRC concurrence within 180 days after the effective date of this amendment or by January 1, 1981, whichever is sooner, require the Commission to determine whether to require the licensee to shut down the reactor. If at the time the Commission finds that the licensee has demonstrated that the deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation, then the licensee may continue operation.

If at that time the Commission cannot make such a finding, then the Commission will order the licensee to show cause why the plant should not be shut down. In cases of serious deficiencies, the order to show cause will be made immediately effective and the licensee would be required to shut down the reactor.

3. For nuclear power reactors already licensed to operate, if appropriate State and local emergency response plans do not warrant continued NRC concurrence and the State or locality do not correct the deficiencies within 4 months of notification by the NRC of withdrawal of its concurrence, require the Commission to determine whether to require the licensee to shut down the reactor. Shut down may not be required if the Commission finds that the licensee has demonstrated that the deficiencies in the plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.

If at this time the Commission cannot make such a finding, then the Commission will order the licensee to show cause why the plant should not be shut down. In cases of serious deficiencies, the order to show cause will be made immediately effective and the licensee would be required to shut down the reactor.

In the other alternative (Alternative B), the proposed rule change would automatically require nuclear power plant shutdown for lack of concurrence in appropriate State and local government emergency response plans on the date specified in the rule unless an exemption is granted by that date. It would:

1. Requre NRC concurrence in the appropriate State and local government emergency response plans prior to operating license issuance. However, the Commission can grant an exemption from this requirement if the applicant can demonstrate to the satisfaction of the Commission that deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for license issuance. No such operating license will be issued unless NRC finds that appropriate protective actions, including evacuation when necessary, can be taken for any reasonably anticipated population within the plume exporsure EPZ.

2. For nuclear power reactors already licensed to operate, require a licensee to shut down a reactor immediately if appropriate State or local emergency response plans have not received NRC concurrence within 180 days of the effective date of the final amendments or by January 1, 1981, whichever is sooner. However, the Commission may grant an exemption from this requirement if the licensee can demonstrate to the satisfaction of the Commission that the deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation. If there is no concurrence, and the plant is shut down, then it must remain shut down until such an exemption is granted or until concurrence is obtained.

3. For nuclear power reactors already licensed to operate, require a license to shut down a reactor if appropriate State or local emergency response plans do not warrant continued NRC concurrence and the State or locality does not correct the deficiencies within 4 months of notification by the NRC of withdrawal of its concurrence. However, the Commission can grant an exemption to this requirement if the licensee can demonstrate to the satisfaction of the Commission that the deficiencies in the

plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation. If there is no concurrence and the plant is shut down, then it must remain shut down until such an exemption is granted or until concurrence is regained.

In both alternatives the proposed rule would:

4. Require that emergency planning considerations be extended to "Emergency Planning Zones."

5. Require that applicants' and licensees' detailed emergency planning implementing procedures be submitted for NRC review.

6. Clarify and expand 10 CFR Part 50, Appendix E, "Emergency Plans for Production and Utilization Facilities."

DATES: Comments should be submitted on or before February 19, 1980.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposed rule changes and/or the supporting value/impact analysis to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of the value/impact analysis and of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at local Public Document Rooms. Single copies of the value/impact analysis, related regulatory guides, and the NRC staff analysis of the public comments received on the Advance Notice of Proposed Rulemaking may be obtained on request.

FOR FURTHER INFORMATION CONTACT: Mr. Michael T. Jamgochian, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-443-5966).

SUPPLEMENTARY INFORMATION: In June 1979, the Nuclear Regulatory Commission began a formal reconsideration of the role of emergency planning in assuring the continued protection of the public health and safety in areas around nuclear power facilities. The Commission had begun this reconsideration in recognition of the need for more effective emergency planning and in response to reports issued by responsible offices of government and its Congressional oversight committees.

By memorandum dated July 31, 1979, the Commission requested that the NRC staff undertake expedited rulemaking on the subject of State, local, and licensee emergency response plans. The proposed rulemaking described in this notice responds to that request, and has been prepared on an expedited basis. Consequently, considerations related to the workability of the proposed rule may have been overlooked and significant impacts to NRC, applicants, licensees, and State and local governments may not have been identified. Therefore, the NRC particularly seeks comments addressed to these points and intends to hold workshops prior to preparing a final rule to (a) present the proposed rule changes to State and local governments, utiities, and other interested parties and (b) obtain comments concerning the costs, impacts, and practicality of the proposed rule.

The Nuclear Regulatory Commission is considering the adoption of amendments to its regulation, "Domestic Licensing of Production and Utilization Facilities," 10 CFR Part 50, that would require that emergency response planning considerations be extended to Emergency Planning Zones (discussed in NUREG-0396, EPA 520/1-78-016, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants"). Both the Commission and EPA have formally endorsed the concepts in that EPA/NRC Report, 44 FR 61123 (October 28, 1979). In addition, the Nuclear Regulatory Commission is considering revising 10 CFR Part 50, Appendix E, "Emergency Plans for Production and Utilization Facilities," in order to clarify, expand, and upgrade the Commission's emergency planning regulations.[1] Prior to the conclusion of this rulemaking proceeding, the Commission will give special attention to emergency planning matters, including the need for concurred-in plans, on a case-by-case basis in accordance with the modified adjudicatory procedures of 10 CFR Part 2, Appendix B. Under that Appendix, no new license, construction permit, or limited work authorization may be issued without Commission consideration of issues such as this.[2] Both versions of the proposed amendments call for State and local government emergency response plans to be submitted to and concurred in by the NRC as a condition of operating license issuance.

Under one alternative being considered, the proposed rule would require a determination on continued operation of plants where relevant State and local emergency response plans have not received NRC concurrence. Shutdown of a reactor would not follow automatically in every case. Under the other alternative proposal, shutdown of the reactor would be required automatically where the appropriate State and local emergency response plans have not received NRC concurrence within the prescribed time periods. However, the Commission could grant an exemption to this requirement if the licensee can demonstrate to the satisfaction of the Commission that the deficiencies in the plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons. If there is no concurrence and the plant is shut down, then the plant must remain shut down until such an exemption is granted or until concurrence is obtained.

The NRC presently requires that power reactor licensees and applicants plan for radiological emergencies within their plant sites and make arrangements with State and local organizations to respond to accidents that might have consequences beyond the site boundary. In this way, offsite emergency response planning has been related to the nuclear licensing process.

To aid State and local governments in the development and implementation of adequate emergency response plans, the NRC, in conjunction with several other Federal agencies, has attempted, on a cooperative and voluntary basis, to provide for training and instruction of State and local government personnel and to establish criteria to guide the preparation of emergency response plans.[3] However, in the past, the NRC has not made NRC concurrence in State and local emergency response plans a condition of operation for a nuclear powerplant; the proposed rule would do so, as explained above.

[1] Two NRC staff guidance documents are related to this proposed rule change. "Draft Emergency Action Level Guidelines for Nuclear Power Plants," NUREG-0610 was published for interim use and comment on September 19, 1979. It is expected that a final version of the action level guidelines, based on the public comments received, will be issued in early 1980. In addition, in early 1980 upgraded and revised acceptance criteria for evaluating emergency preparedness plans will be issued for comment and may be included in the Commission's regulations.

[2] 44 FR 65049 (November 9, 1979).

[3] NRC staff guidance for the preparation and evaluation of State and local emergency response plans leading to NRC concurrence is contained in NUREG 75/111, "Guide and Checklist for Development and Evaluation of State and Local Government Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities" (December 1, 1974) and Supplement 1 thereto dated March 15, 1977. The adequacy of this guidance is being reevaluated by the staff and the Commission will consider codification of the upgraded criteria in 1980.

In issuing this rule, NRC recognizes the significant responsibilities assigned to the Federal Emergency Management Agency (FEMA) by Executive Order 12148 on July 15, 1979, to coordinate the emergency planning functions of executive agencies. In view of FEMA's new role, NRC agreed on September 11, 1979, that FEMA should henceforth chair the Federal Interagency Central Coordinating Committee for Radiological Emergency Response Planning and Preparedness (FICCC). In addition, NRC and FEMA have agreed to exercise joint responsibility for concurring in State emergency response plans prior to NRC issuance of operating licenses. During the next few months NRC and FEMA will continue to reexamine intra-federal relationships and responsibilities regarding radiological emergency response planning. However, the Commission does not believe that the reexamination should serve as a basis for delay in the proposed rule change.

At several places in the proposed amendments, the Commission refers to the roles of State and local governments. Indeed the main thrust of the proposed rule is that prior concurrence in State and local emergency response plans will be a condition for licensing and operation of a nuclear powerplant. The Commission recognizes that it cannot direct any governmental unit to prepare a plan, much less compel its adequacy. However, the NRC can condition a license on the existence of adequate plans.

While the State and local governments have the primary responsibility under their constitutional police powers to protect their public, the Commission, under authority granted to it by the Congress, also has an important responsibility to protect the public in matters of radiological health and safety. Accordingly, with an understanding of its limitations and with a sensitivity to the importance of all levels of governments working together, the Commission will commit to seek and apply the necessary resources to make its part in this venture work.

Rationale for Change

The proposed rule is predicated on the Commission's considered judgment in the aftermath of the accident at Three Mile Island that safe siting and design-engineered features alone do not optimize protection of the public health and safety. Before the accident it was thought that adequate siting in accordance with existing staff guidance coupled with the defense-in-depth approach to design would be the primary public protection. Emergency planning was conceived as a secondary but additional measure to be exercised in the unlikely event that an accident would happen. The Commission's perspective was severely altered by the unexpected sequence of events that occurred at Three Mile Island. The accident showed clearly that the protection provided by siting and engineered safety features must be bolstered by the ability to take protective measures during the course of an accident. The accident also showed clearly that on-site conditions and actions, even if they do not cause significant off-site radiological consequences, will affect the way the various State and local entities react to protect the public from dangers, real or imagined, associated with the accident. A conclusion the Commission draws from this is that in carrying out its statutory mandate to protect the public health and safety, the Commission must be in a position to know that off-site governmental plans have been reviewed and found adequate. The Commission finds that the public can be protected within the framework of the Atomic Energy Act only if additional attention is given to emergency response planning. The Commission recognizes that the increment of risk involved in operation of reactors over the prescribed times in the implementation of this rule does not constitute an unacceptable risk to the public health and safety.

The Commission recognizes that this proposal, to view emergency planning as equivalent to, rather than as secondary to, siting and design in public protection, departs from its prior regulatory approach to emergency planning. The Commission has studied the various proposals and believes that this course is the best available choice. In reaching this determination, the Commission is guided by the findings of its Emergency Planning Task Force which found the need for intensive effort by NRC over the next few years to upgrade the regulatory program in this area. The Commission has also endorsed the findings of the EPA–NRC Joint Task Force for policy development in this area. Implementation of these reports by the NRC in its staff guidance is necessary for the NRC to be as effective as possible in assisting those governmental units and those utilities responsible for execution of the plans.

The Commission acknowledges the input of over one hundred commenters to date on the proposal to adopt new regulations. The staff evaluation of these comments is incorporated by reference herein as part of the record in this rulemaking proceeding.

In addition, the Commission acknowledges the important contributions made this year by various official commenters on the state of emergency planning around nuclear facilities, whose views are included as part of the basis for these reguations. The first of these was the report of the General Accounting Office issued coincident with the TMI accident which explicitly recommended that no new nuclear power plants be permitted to operate "unless offsite emergency plans have been concurred in by the NRC," as a way to insure better emergency protection. GAO Report, EMD–78–110. "Areas Around Nuclear Facilities Should Be Better Prepared for Radiological Emergencies" (March 30, 1979). In addition, the NRC Authorization Bill for FY 1980 (S. 562) would amend the Atomic Energy Act to require a concurred-in State plan as a condition of operation. The policy consideration that underlies this provision would be consistent with the Commission's views of the health and safety significance of emergency planning. One of the Commission's House Oversight Subcommittees developed a comprehensive document on the status of emergency planning which recommended that NRC, in a leadership capacity, undertake efforts to upgrade its licensees' emergency plans and State and local plans. House Report No. 96–413, "Emergency Planning Around U.S. Nuclear Power Plants," 96th Cong., 1st Sess. (August 8, 1979). The Report's recommendations were significant and its findings about the need for improved emergency preparedness lend support to the NRC's own efforts to assure that the public is protected. Finally, the President's Commission on the Accident at Three Mile Island has recently recommended approved State and local plans as a condition for resuming licensing. This Commission's Report and its supporting Staff Reports on emergency responses and preparedness are indicative of many of the problems which the NRC would address in this rule. In this regard the Commission notes that the already extensive record made on emergency planning improvements will be supplemented by the report of its own Special Inquiry Group and other ongoing investigations, by any requirements of the NRC Authorization Act, and by the public comments solicited by this proposed rule.

The proposed rule meets many of the concerns discussed in the above mentioned reports and publications. However, the Commission notes that the proposed rule is considered as an

interim upgrade of NRC emergency planning regulations and, in essence, clarifies and expands areas that have been perceived to be deficient as a result of past experiences. Because the Commission anticipates that further changes in the emergency planning regulations may be proposed as more experience is gained with implementing these revised regulations, as the various Three Mile Island investigations are concluded, and as the results become available from efforts in such areas as instrumentation and monitoring and generic studies of accident models, these proposed rules may require further modifications. Thus the proposed rule changes should be viewed as a first step in improving emergency planning.

Publication of these proposed rule changes in the Federal Register supersedes and thus eliminates the need to continue development of the proposed rule change to 10 CFR Part 50, Appendix E (43 FR 37473), published on August 23, 1978, regarding Emergency Planning considerations outside the Low Population Zone (LPZ).

The Commission is considering whether construction permits which have already been issued should be reconsidered because of the emergency planning considerations of this rule. For plants in operation, NRC teams are now meeting with licensees to upgrade licensee, State and local emergency plans and implementing procedures.

In developing these proposed rule changes, the Commission has considered the potential consequences, social and economic, as well as safety, of the shutdown of an operating nuclear power plant. Under both alternatives, the substantive criteria to be applied in evaluating whether or not a licensee should be allowed to continue to operate the reactor are the same. Thus, both alternatives reflect the view that, while emergency planning is important for public health and safety, the increment of risk involve in permitting operation for a limited time in the absence of concurred-in plans may not be undue in every case.

However, the alternative rule changes differ primarily in the course of action that would follow either non-concurrence, lack of concurrence, or withdrawal of concurrence in relevant State or local emergency plans. Under one alternative (Alternative A) an order to show cause why the licensee should not shut down the plant may be issued in this circumstance, but the order to show cause would not be made immediately effective unless the Commission decided in the particular cases that the safety risks were sufficiently serious to warrant such immediate action. Under the other alternative (Alternative B), the licensee would be required to shut down the plant immediately in this circumstance. Unless and until an exemption is granted, the licensee will not be allowed to operate the reactor.

The NRC contemplates that under Alternative A initial concurrence and subsequent withdrawal, if necessary, would be noted in local newspapers. Under Alternative B, public notice of any initial concurrence or withdrawal of concurrence would be made both in the Federal Register and in local newspapers. Notice in the Federal Register and in local newspapers will also be provided of any required suspension of operation, any request for an exemption from this requirement, and any request that an operating license be exempt from the requirement for concurred-in plans. Public comments will be welcomed. If significant interest in meeting with the staff is expressed, the staff may hold public meetings in the vicinity of the site to receive and discuss comments and to answer questions.

Accordingly, in the discharge of its duties to assure the adequate protection of the public health and safety, the Commission has decided to issue proposed rules for public comment. The proposed changes to 10 CFR 50.33, 50.47, and 50.54 apply to nuclear power reactors only. However, the proposed Appendix E to 10 CFR Part 50 applies to production and utilization facilites in general except as noted in the proposed Appendix E. These proposals, comments, other official reports, and views expressed at the public workshops will be factored into the final rule, which the NRC now anticipates will be published in early 1980.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 and Appendix E to 10 CFR Part 50 is contemplated.

Copies of comments received on the proposed amendments may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC, and at local Public Document Rooms.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. Paragraph (g) of § 50.33 is revised to read as follows:

§ 50.33 Contents of applications; general information.

* * * * *

(g) If the application is for an operating license for a nuclear power reactor, the applicant shall submit radiological emergency response plans of State and local governmental entities in the United States that are wholly or partially within the plume exposure pathway Emergency Planning Zone (EPZ), as well as the plans of State governments wholly or partially within the ingestion pathway EPZ.[1] Generally, the plume exposure pathway EPZ for nuclear power reactors shall consist of an area about 10 miles in radius and the ingestion pathway EPZ shall consist of an area about 50 miles in radius. The exact size and configuration of the EPZs surrounding a particular nuclear power reactor shall be determined in relation to the emergency response needs and capabilities as they are affected by such local conditions as demography, topography, land characteristics, access routes, and local jurisdictional boundaries. The plans for the ingestion pathway shall focus on such less immediate actions as are appropriate to protect the food ingestion pathway.

2. A new § 50.47 is added. Alternative versions of the first paragraph are presented.

§ 50.47 Emergency plans.

[Alternative A: (a) No operating license for a nuclear power reactor will be issued unless the emergency response plans submitted by the applicant in accordance with § 50.33(g) have been reviewed and concurred in by the NRC.[2] In the absence of one or more concurred-in plans, the applicant will have an opportunity to demonstrate to the satisfaction of the Commission that deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons to permit operation.] OR

[Alternative B: (a) No operating license for a nuclear power reactor will be issued unless the emergency response plans submitted by the applicant in accordance with § 50.33(g) have been reviewed and concurred in by the NRC.[2] An applicant may request an exemption from this requirement based

[1] Emergency Planning Zones (EPZs) are discussed in NUREG-0396, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants."

[2] NRC staff guidance for the preparation and evaluation of State and local emergency response plans leading to NRC concurrence is contained in NUREG 75/111, "Guide and Checklist for Development and Evaluation of State and Local Government Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities" (December 1, 1974) and Supplement 1 thereto dated March 15, 1977.

upon a demonstration by the applicant that any deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons to permit operation. No such operating license will be issued unless NRC finds that appropriate protective actions, including evacuation when necessary, can be taken for any reasonably anticipated population within the plume exposure EPZ.]

(b) Generally, the plume exposure pathway EPZ for nuclear power plants shall consist of an area about 10 miles in radius and the ingestion pathway EPZ shall consist of an area about 50 miles in radius. The exact size and configuration of the EPZs surrounding a particular nuclear power reactor shall be determined in relation to the emergency response needs and capabilities as they are affected by such local conditions as demography, topography, land characteristics, access routes, and local jurisdictional boundaries. The plans for the ingestion pathway shall focus on such less immediate actions as are appropriate to protect the food ingestion pathway.

3. Section 50.54 is amended by adding four new paragraphs, (s), (t), (u) and (v). Alternative passages for paragraphs (s) and (t) are provided:

§ 50.54 Conditions of licenses.

* * * * *

(s) Each licensee who is authorized to possess and/or operate a nuclear power reactor shall submit within 60 days of the effective date of this amendment the radiological emergency response plans of State and local governmental entities in the United States that are wholly or partially within the plume exposure pathway EPZ, as well as the plans of State governments wholly or partially within the ingestion pathway EPZ.[1] Generally, the plume exposure pathway EPZ for nuclear power reactors shall consist of an area about 10 miles in radius and the ingestion pathway EPZ shall consist of an area about 50 miles in radius. The exact size and configuration of the EPZs for a particular nuclear power reactor shall be determined in relation to the emergency response needs and capabilities as they are affected by such local conditions as demography, topography, and land characteristics, access routes, and local jurisdictional boundaries. The plans for the ingestion pathway shall focus on such less immediate actions as are appropriate to protect the food ingestion pathway. [Alternative A: If the appropriate State and local government emergency response plans have not been concurred in [2] within 180 days of the effective date of the final amendments or by January 1, 1981, whichever is sooner, the Commission will make a determination whether the reactor should be shut down. The reactor need not be shut down if the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.] OR [Alternative B: If the plans submitted by the licensee in accordance with the subsection have not been concurred in by NRC within 180 days of the effective date of this amendment or by January 1, 1981, whichever is sooner, the reactor in question will be shut down until the concurrences have been obtained. The licensee may request an exemption from this requirement based upon a demonstration that any deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation. However, unless and until this exemption has been granted by the Commission, the plant shall be maintained in the shutdown condition.]

[Alternative A: (t) If, after 180 days following the effective date of these amendments or January 1, 1981, whichever is sooner, and during the operating license period of a nuclear power reactor the Commission determines that the appropriate State and local government emergency response plans do not warrant continued NRC concurrence and such State or local government fails to correct such deficiencies within 4 months of the date of notification of the defects, the Commission will make a determination whether the reactor shall be shut down until the plan is submitted and has again received NRC review and concurrence. The reactor need not be shut down if the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.] OR

[Alternative B: (t) If, after 180 days following the effective date of these amendments or after January 1, 1981, whichever is sooner, and during the operating license period of a nuclear power reactor, the Commission determines that the appropriate State or local government emergency response plans do not warrant continued NRC concurrence and such State or local government fails to correct such deficiencies within 4 months of the date of notification of the defects, the reactor in question will be shut down. The licensee may request an exemption from this requirement based upon a demonstration that any deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation. However, unless and until this exemption has been granted by the Commission, the plant shall be maintained in the shutdown condition.]

(u) The licensee of a nuclear power reactor shall provide for the development, revision, implementation and maintenance of its emergency preparedness program. To this end, the licensee shall provide for an independent review of its emergency preparedness program at least every 12 months by licensee, employees, contractors, or other persons who have no direct responsibility for implementation of the emergency preparedness program. The review shall include a review and audit of licensee drills, exercises, capabilities, and procedures. The results of the review and audit, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of five years.

(v) Within 180 days after the effective date of the final rules or by January 1, 1981, whichever is sooner, each licensee who is authorized to possess and/or operate a production or utilization facility shall have plans for coping with emergencies which meet the requirements of Appendix E of this Chapter.

4. 10 CFR Part 50, Appendix E, is amended as follows:

* * * * *

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities[1]

I. Introduction

Each applicant for a construction permit is required by § 50.34(a) to include in its

[1] NRC staff has developed three regulatory guides: 1.101, "Emergency Planning for Nuclear Power Plants," 2.6, "Emergency Planning for Research Reactors," and 3.42, "Emergency Planning in Fuel Cycle Facilities and Plants Licensed Under 10 CFR Parts 50 and 70"; and NUREG-0610, "Draft Emergency Level Action Guidelines for Nuclear Power Plants" (September 1979) to help applicants establish adequate plans required pursuant to

Footnotes continued on next page

preliminary safety analysis report a discussion of preliminary plans for coping with emergencies. Each applicant for an operating license is required by § 50.34(b) to include in its final safety analysis report plans for coping with emergencies.

This appendix establishes minimum requirements for emergency plans for use in attaining a state of emergency preparedness. These plans shall be described in the preliminary safety analysis report and submitted as a part of the final safety analysis report. The potential radiological hazards to the public associated with the operation of research and test reactors are considerably less than those involved with nuclear power reactor. Consequently, the size of the EPZs for Research and Test reactors and the degree to which compliance with the requirements of this section and sections II, III, IV and V is necessary will be determined on a case-by-case basis using Regulatory Guide 2.6 as a standard for acceptance. State and local government emergency response plans, which may include the plans of offsite support organizations, shall be submitted with the applicant's emergency plans.

II. The Preliminary Safety Analysis Report

The Preliminary Safety Analysis Report shall contain sufficient information to ensure the compatibility of proposed emergency plans both for onsite areas and the EPZs with facility design features, site layout, and site location with respect to such considerations as access routes, surrounding population distributions, and land use for the Emergency Planning Zones [2] (EPZs).

As a minimum, the following items shall be described:

A. Onsite and offsite organizations for coping with emergencies, and the means for notification, in the event of an emergency, of persons assigned to the emergency organizations;

B. Contacts and arrangements made and documented with local, State, and Federal governmental agencies with responsibility for coping with emergencies, including identification of the principal agencies.

[Alternative A: C. Protective measures to be taken in the event of an accident within the site boundary and within each EPZ to protect health and safety; corrective measures to prevent damage to onsite and offsite property; and the expected response, in the event of an emergency, of offsite agencies] OR

[Alternative B: C. Protective measure to be taken in the event of an accident within the site boundary and within each EPZ to protect health and safety; procedures by which these measures are to be carried out (*e.g.*, in the case of an evacuation, who authorizes the evacuation, how the public is to be notified and instructed, how the evacuation is to be carried out); and the expected response, in the event of an emergency, of offsite agencies];

D. Features of the facility to be provided for onsite emergency first aid and decontamination, and for emergency transportation of onsite individuals to offsite treatment facilities;

E. Provisions to be made for emergency treatment at offsite facilities of individuals injured as a result of licensed activities;

F. Provisions for a training program for employees of the licensee, including those who are assigned specific authority and responsibility in the event of an emergency, and for other persons not employees of the licensee whose assistance may be needed in the event of a radiological emergency;

G. Features of the facility to be provided to ensure the capability for actuating onsite protective measures and the capability for facility reentry in order to mitigate the consequences of an accident or, if appropriate, to continue operation;

H. A preliminary analysis which projects the time and means to be employed in the notification of State and local governments and the public in the event of an emergency. A preliminary analysis of the time required to evacuate various sectors and distances within the plume exposure pathway EPZ for transient and permanent populations.

III. The Final Safety Analysis Report

The Final Safety Analysis Report shall contain the emergency plans for coping with emergencies. The plans shall be an expression of the overall concept of operation, which describe the essential elements of advance planning that have been considered and the provisions that have been made to cope with emergency situations. The plans shall incorporate information about the emergency response roles of supporting organizations and offsite agencies. That information shall be sufficient to provide assurance of coordination among the supporting groups and between them and the licensee.

[Alternative A: The plans submitted must include a description of the elements set out in Section IV to an extent sufficient to demonstrate that the plans provide reasonable assurance that appropriate measures can and will be taken in the event of an emergency to protect public health and safety and minimize damage to property within the Emergency Planning Zones (EPZs).[3]] OR

[Alternative B: The plans submitted must include a description of the elements set out in Section IV to an extent sufficient to demonstrate that the plans provide reasonable assurance that appropriate measures can and will be taken in the event of an emergency to protect public health and safety within the Emergency Planning Zones (EPZs).[3]]

IV. Content of Emergency Plans

The applicant's emergency plans shall contain, but not necessarily be limited to, the following elements: organization for coping with radiation emergencies, assessment action, activation of emergency organization, notification procedures, emergency facilities and equipment, training, maintaining emergency preparedness, and recovery. The applicant shall also provide an analysis of the time required to evacuate various sectors and distances within the plume exposure pathway EPZ for transient and permanent populations.

A. Organization

The organization for coping with radiological emergencies shall be described including definitions of authorities, responsibilities and duties of individuals assigned to licensee's emergency organization, and the means of notification of such individuals in the event of an emergency. Specifically, the following shall be included:

1. A description of the normal plant operating organization.

2. A description of the onsite emergency response organization with a detailed discussion of:

a. Authorities, responsibilities and duties of the individual(s) who will take charge during an emergency;

b. Plant staff emergency assignments;

c. Authorities, responsibilities, and duties of an onsite emergency coordinator who shall be in charge of the exchange of information with offsite authorities responsible for coordinating and impelementing offsite emergency measures.

3. A description of the licensee headquarters personnel that will be sent to the plant site to provide augmentation of the onsite emergency organization.

4. Identification, by position, of persons within the licensee organization who will be responsible for making offsite dose projections and a description of how these projections will be made and the results transmitted to State and local authorities, NRC, FEMA and other appropriate governmental entities.

5. Identification, by position and function, of other employees of the licensee with special qualifications for coping with emergency conditions which may arise. Other persons with special qualifications, such as consultants, who are not employees of the licensee and who may be called upon for assistance for short- or long-term emergencies shall also be identified. The special qualifications of these persons shall be described.

6. A description of the local offsite services to be provided in support of the licensee emergency organization.

7. Identification of and expected assistance from appropriate State, local, and Federal agencies with responsibilities for coping with emergencies.

8. Identification of the State and/or local officials responsible for planning for, ordering, notification of, and controlling

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Footnotes continued from last page
§ 50.34 and this Appendix for coping with emergencies. Copies of the guides are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies of guides may be purchased from the Government Printing Office. Information on current prices may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

[2] The size of the EPZs for a nuclear power plant shall be determined in relation to the emergency response needs and capabilities as they are affected by such local conditions as demography, topography, land characteristics, access routes, and local jurisdictional boundaries. Generally, the plume exposure pathway EPZ for light water nuclear power plants shall consist of an area about 10 miles radius and the ingestion pathway EPZ an area about 50 miles in radius. EPZs are discussed in NUREG–0396. The size of the EPZ's for non-power reactors shall be determined on a case-by-case basis.

appropriate protective actions, including evacuations when necessary.

B. Assessment Actions

The means to be provided for determining the magnitude and continued assessment of the release of radioactive materials shall be described including emergency action levels that are to be used as criteria for determining the need for notification and participation of local and State agencies and the Commission and other Federal agencies, and the emergency action levels that are to be used as criteria along with appropriate meteorological information for determining when protective measures should be considered within the outside the site boundary to protect health and safety and prevent damage to property. The emergency action levels shall be based on in-plant conditions and instrumentation in addition to onsite and offsite monitoring. These emergency action levels shall be discussed and agreed upon by the applicant and State and local governmental authorities and approved by NRC. They shall also be reviewed with the State and local governmental authorities on an annual basis.

C. Activation of Emergency Organization

The entire spectrum of emergency conditions which involve the alerting or activation of progressively larger segments of the total emergency organization shall be described. The communication steps taken to alert or activate emergency personnel under each class of emergency shall be described. Emergency action levels (based not only on onsite and offsite radiation monitoring information but also on readings from a number of sensors that indicate a potential emergency such as the pressure in containment and the response of the Emergency Core Cooling System) for notification of offsite agencies shall be described. The existence, but not the details, of a message authentication scheme shall be noted for such agencies.

D. Notification Procedures

1. Administrative and physical means for notifying, and agreements reached with, local, State, and Federal officials and agencies for the early warning of the public and for public evacuation or other protective measures, should they become necessary, shall be described. This description shall include identification of the principal officials, by title and agencies, for the Emergency Planning Zones [2] (EPZs).

2. Provisions shall be described for the yearly dissemination to the public within the plume exposure pathway EPZ of basic emergency planning information such as the possibility of nuclear accidents, the potential human health effects of such accidents and their causes, methods of notification, and the protective actions planned if an accident occurs, as well as a listing of local broadcast network that will be used for dissemination of information during an emergency.

3. Administrative and physical means, and the time required, shall be described for alterting and providing prompt instructions [3] to the public within the plume exposure pathway Emergency Planning Zone. It is the applicant's responsibility to ensure that such means exist, regardless of who implements this requirement.

E. Emergency Facilities and Equipment

Provisions shall be made and described for emergency facilities and equipment, including:

1. Equipment at the site for personnel monitoring;

2. Equipment for determining the magnitude of and for continuously assessing the release of radioactive materials to the environment;

3. Facilities and supplies at the site for decontamination of onsite individuals;

4. Facilities and medical supplies at the site for appropriate emergency first aid treatment;

5. Arrangements for the services of a physician and other medical personnel qualified to handle radiation emergencies;

6. Arrangements for transportation of injured or contaminated individuals from the site to treatment facilities outside the site boundary;

7. Arrangements for treatment of individuals injured in support of licensed activities on the site at treatment facilities outside the site boundary;

8. One onsite technical support center and one near-site emergency operation center from which effective direction can be given and effective control can be exercised during an emergency;

9. At least one onsite and one offsite communications system, including redundant power sources. This will include the communication arrangements for emergencies, including titles and alternates for those in charge at both ends of the communication links and the primary and backup means of communication. Where consistent with function of the governmental agency, these arrangements will include:

a. Provision for communications with contiguous State/local governments within the plume exposure pathway Emergency Planning Zone. Such communications shall be tested monthly.

b. Provision for communications with Federal emergency response organizations. Such communications systems shall be tested annually.

c. Provision for communications between the nuclear facility, State and/or local emergency operations centers, and field assessment teams. Such communications systems shall be tested annually.

F. Training

The program to provide for (1) the training of employees and exercising, by periodic drills, of radiation emergency plans to ensure that employees of the licensee are familiar with their specific emergency response duties, and (2) the participation in the training and drills by other persons whose assistance may be needed in the event of a radiation emergency shall be described. This shall include a description of specialized initial training and periodic retraining programs to be provided to each of the following categories of emergency personnel:

a. Directors or coordinators of the plant emergency organization.

b. Personnel responsible for accident assessment, including control room shift personnel.

c. Radiological monitoring teams.

d. Fire control teams (fire brigades).

e. Repair and damage control teams.

f. First aid and rescue teams.

g. Local services personnel, *e.g.*, local Civil Defense, local law enforcement personnel, and local news media persons.

h. Medical support personnel.

i. Licensee's headquarters support personnel.

j. Security personnel.

The plan shall describe provisions for the conduct of yearly drills and exercises to test the adequacy of timing and content of implementing procedures and methods, to test emergency equipment and communication networks, and to ensure that emergency organization personnel are familiar with their duties. Such provisions shall specifically include participation by offsite personnel as described above as well as other State and local governmental agencies. The plan shall also describe provisions for a joint exercise involving the Federal, State, and local response organizations. The scope of such an exercise should test as much of the emergency plans as is reasonably achievable without involving full public participation. Definitive performance criteria shall be established for all levels of participation to ensure an objective evaluation. This joint Federal, State, and local exercise shall be:

1. For presently operating plants, initially within one year of the effective date of this amendment and once every [Alternative A: three years] or [Alternative B: five years] thereafter.

3. For a plant for which an operating license is issued after the effective date of this amendment, initially within one year of the issuance of the operating license and once every [Alternative A: three years] or [Alternative B: five years] thereafter.

All training provisions shall provide for formal critiques in order to evaluate the emergency plan's effectiveness and to correct weak areas through feedback with emphasis on schedules, lesson plans, practical training, and periodic examinations.

G. Maintaining Emergency Preparedness

Provisions to be employed to ensure that the emergency plan, its implementing procedures and emergency equipment and supplies are maintained up to date shall be described.

H. Recovery

Criteria to be used to determine when to the extent possible, following an accident, reentry of the facility is appropriate or when operation should be continued.

V. Implementing Procedures

No less than 180 days prior to scheduled issuance of an operating license, 10 copies each of the applicant's detailed implementing procedures for its emergency plan shall be submitted to NRC Headquarters and to the appropriate NRC Regional Office: Provided that, in cases where the operating license is

[3] It is expected that the capability will be provided to essentially complete alerting of the public within the plume exposure pathway EPZ within 15 minutes of the notification by the licensee of local and State officials.

scheduled to be issued less than 180 days after the effective date of this rule, such implementing procedures shall be submitted as soon as practicable. Within 60 days after the effective date for compliance under § 50.54(v) with the revised Appendix E, licensees who are authorized to operate a nuclear power facility shall submit 10 copies each of the licensee's emergency plan implementing procedures to NRC Headquarters and to the appropriate NRC Regional Office. As necessary to maintain them up to date thereafter, 10 copies each of any changes to these implementing procedures shall be submitted to NRC Headquarters and to the same NRC Regional Office within 30 days of such changes.

(Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242, Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5341).)

Dated at Washington, D.C. this 13th day of December 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79–38905 Filed 12–18–79; 8:45 am]

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APPENDIX B

FEDERAL REGISTER NOTICE OF WORKSHOPS ON PROPOSED RULE ON EMERGENCY PLANNING

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning; Notice of Workshops

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of workshops for review of NRC emergency planning.

SUMMARY: The Nuclear Regulatory Commission approved on December 5, 1979, publication for public comment proposed rule amendments to 10 CFR Part 50 and Appendix E dealing with the development of emergency plans at nuclear power plants. The proposed rule was published in the Federal Register on December 19, 1979 (44 FR 75167).

The Commission has determined that four regional workshops with appropriate State and local officials and utility representatives should be held during the public comment period to discuss the feasibility of the various portions of proposed amendments, their impact, and the procedures proposed for complying with their provisions.

The NRC will use the information from these workshops to evaluate the proposed rule changes.

DATES: Workshops will be held:
January 15—New York, New York;
January 17—San Francisco, Calif.;
January 22—Des Plaines, Ill.;
January 24—Atlanta, Ga.

ADDRESSES: The workshops will be held from 8:30 a.m. to 5:00 p.m. at the following locations on the dates given below:

January 15—Roosevelt Hotel, Madison & 45th Street, New York, New York;

January 17—Bellevue Hotel, 505 Geary Street, San Francisco, California;

January 22—Ramada O'Hare Inn, 6600 N. Mannheim Road, Des Plaines, Illinois;

January 24—Downtown Holiday Inn, 175 Piedmont, NE, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: A Morrongiello, Office of Standards Development, NRC, (301) 443-5966.

Agenda for Emergency Preparedness Workshops

Morning Session–8:30 a.m.

Introduction

Purpose & Scope of Meeting
Background-Reason for proposed Rule
Proposed Rule provides for Federal/State/Local planning for emergencies
NRC Emergency Planning requirements-concurrence required

Presentation of Proposed Rule

Rationale for and description of proposed rule
Criteria to be met for concurrence
Who must have concurrence
Review and concurrence procedures
Differences in requirements for emergency planning zones, ie. plume exposure zone compared to ingestion pathway zone

Federal Emergency Management Agency (FEMA)

Role in overall emergency preparedness

Public Affairs

Role of public affairs officials in an emergency, coordination between "responders" and the media

Questions and Comments From General Public

Afternoon Session—1:00 p.m.

Discussion Points:

Requirement that State and local emergency response plans be concurred in by the NRC as a condition of operating license issuance. (NRC concurrence in State and local plans is not required at the construction permit stage.) Additionally:

a. An operating plant may be required to shutdown if a State or local emergency plan has not received NRC concurrence within 180 days of the effective date of the final amendments, or January 1, 1981, whichever is earlier.

b. An operating plant may be required to shutdown if a State or local emergency plan does not warrant continued NRC concurrence and is not corrected within 4 months of notification of NRC concurrence withdrawal. (Discussion will include consideration of alternative proposed rules for permitting continued operation or issuance of operating licenses for an interim period where there are no concurred in plans or concurrence has been withdrawn).

Requirement that emergency planning be expanded to cover "Emergency Planning Zones"

Requirement that detailed emergency planning implementing procedures be submitted to NRC for review

The requirement that specified "Emergency Action Levels" be used by the applicant, State and local authorities

Dissemination to the public of basic emergency planning information

Provisions for prompt alerting of the public and instructions for public protection

Requirements for having Emergency Operations Center

Requirement for providing redundant communications systems

Requirement for providing specialized training to licensee and local emergency support personnel

Requirement for maintaining up-to-date plans

What measures can compensate for various deficiencies?

Closing Session

Individual statements/comments by participants and public
Concluding statement by NRC

Adjourn—5:00 p.m.

These workshops are being held to obtain the views of, and to provide the opportunity for discussion among, State

and local officials and utility companies; however, all sessions will be open to public attendance and observation on a space available basis. Reports on the proceedings of these meetings will be filed in the NRC Public Document Room, 1717 H St., NW, Washington, D.C.

Dated at Bethesda, Maryland, this 13th day of December 1979.

For the Nuclear Regulatory Commission

Guy A. Arlotto,

Acting Director, Office of Standards Development, U.S. Nuclear Regulatory Commission.

[FR Doc. 39014 Filed 12-20-79; 8:45 am]

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NRC FORM 335 (7-77)

U.S. NUCLEAR REGULATORY COMMISSION

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7. AUTHOR(S): A. Morrongiello, C. A. Peabody

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15. SUPPLEMENTARY NOTES

14. *(Leave blank)*

16. ABSTRACT *(200 words or less)*

The Nuclear Regulatory Commission is in the process of upgrading its requirements for emergency response planning for nuclear power plants. This upgrading would be accomplished by the proposed amendments to 10 CFR Part 50, which were published for comment in the Federal Register (Dec. 19, 1979). The purpose of the workshops was to generate comments from representatives of State and local governments and utilities on the feasibility and practicality of the proposed rule changes. These Proceedings are a summary of four one-day workshops held in New York City, San Francisco, Chicago and Atlanta, January 15, 17, 22, 24, respectively.

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