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December 2, 1987
52 FR 45866

UNITED STATES OF AMERICA

BEFORE

THE NUCLEAR REGULATORY COMMISSION

Criteria for Preparation and)	NUREG-0654
Evaluation of Radiological)	FEMA-REP-1
Emergency Response Plans)	REV-1
and Preparedness in Support)	SUPP.-1
of Nuclear Power Plants)	

COMMENTS FILED

BY

THE CHAIRMAN

OF

THE PUBLIC UTILITIES COMMISSION

OF

OHIO

8803080264 871202
PDR NUREG
0654 C PDR

letter sent 3/2/88

The Public Utilities Commission of Ohio herewith, offers comments on the proposed Supplement 1 to the Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants contained in NUREG 0654 FEMA-RFP-1 REV-1.

The criteria changes proposed in Supplement 1, are purportedly to make NUREG 0654 consistent with the rule promulgated by the NRC in the Federal Register on November 3, 1987. To the extent that Supplement 1 makes the necessary adjustments to NUREG 0654 to implement the rule change for situations in which State or local governments decline to participate in Emergency Planning, it will perform this function without any concession to the complexities of the decision making and policy implications created for future emergency preparedness applications.

Adopting Supplement 1 would merely effect "bookkeeping" adjustments to reflect the shifting responsibilities and burdens of emergency planning that the NRC has decided to create in its November 3, 1987 rule change. Supplement 1, to the extent that it purports to make possible NRC/FEMA review of utility emergency planning in the absence of State or local approval or participation, only creates a sterile format change to make such reviews possible and further exacerbates the problems of rationalizing an inherently irrational policy decision.

The old adage of "bad cases make bad laws" is the premise underlying the design purposes that Supplement 1 will implement. The proposed Supplement 1 changes to Nureg 0654 fails to provide any basis for the planning and evaluation strategies inherent in the "realism

doctrine"--the assumption that State and local government will "exercise their best efforts to protect the health and safety of the public, cooperate with the utility and follow the utility's offsite plan, and have resources sufficient to implement those portions of the utility's offsite plan where State and local response is necessary". Emergency planning is a responsibility that the State and local governments in Ohio devote great resources to support and have developed a joint commitment to effectively protect Ohio Citizens from nuclear plant accidents.

The effects of Supplement 1, to strip the State of its decision-making role and to make a substitution for its authority with the "realism doctrine" and to implement such a policy with a sifting and sorting of mere words, undermines the natural and rational structure of government planning, authority, and especially, responsibility. Building a policy on the basis of "having it both ways" creates bad policy, rules, and consequently injures public protection, and the public's confidence in the planning process. Public confidence in emergency planning, rightly, depends on the perception of a consensus plan. The consequences of adopting Supplement 1 will have an adverse impact on future Ohio emergency planning activities.

The common safety objectives, at best, can only be subverted by introducing the inherent contradictions that adopting Supplement 1 will create. Arguments that the rule and the Supplement itself makes no judgment about the "realism doctrine" and further, that the effectiveness

of government actions in the event of emergencies will be judged on a case-by-case basis misses the point, and carries the seeds of contradiction forward by deferring judgment, and worse, through the promulgation of Supplement 1, defers developing real criteria that recognize the significance of the policy change consequences.

The State of Ohio objects to adopting Supplement 1 because the criteria, relying as it does on the "realism doctrine", ignores the importance of State responsibility, participation, and commitment to assuring the citizens of Ohio that adequate protective measures will be taken in the event of a radiological emergency for application in potential future emergency response planning activities.

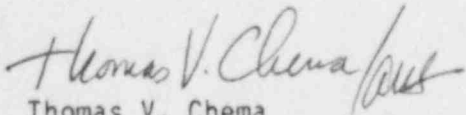
This rulemaking can be seen to serve no other practical purpose than to solve problems with two troublesome power plants, but will have future consequences that will result in a misapplication of intent, all protests to the contrary notwithstanding. This solution to those problematic plants will create an adverse emergency planning atmosphere for future applications that deserve a much more constructive engagement of policy development than the scenario that Supplement 1 will yield.

We strongly object to the adoption of Supplement 1.

Adoption of the Supplement will belittle the role of the State, diminish public confidence, and further erode Federal government credibility.

The creation of the altered regulatory environment that is proposed will result in the unintended diminishment rather than the enhancement of future emergency preparedness and radiological protection of the citizens of the State of Ohio.

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas V. Chema". The signature is written in dark ink and is positioned above the printed name and title.

Thomas V. Chema
Chairman
Public Utilities Commission of Ohio

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