

EDISON ELECTRIC INSTITUTE

The association of electric companies

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DOCKET NUMBER

PROPOSED RULE

(60)
PR - 50 (43FR37473)

Secretary of the Commission
U S Nuclear Regulatory Commission
Washington, D C 20555

Attention: Docketing and Services Branch

Dear Sir:



On August 23, 1978, the NRC noticed in the Federal Register proposed amendments to 10 CRF Part 50, Appendix E-Emergency Plans for Production and Utilization Facilities. This notice invited comments on considerations that may extend emergency planning to areas outside the low population zone. Although the deadline of November 24, 1978 for receipt of comments has past, it is hoped that NRC will give serious consideration to our position. The Edison Electric Institute as the principal national association of investor-owned electric utility companies, appreciates the opportunity to provide its views on this important proposed rulemaking.

We submit that it is neither necessary nor appropriate for the NRC to amend Appendix E. Criteria are in force in Part 100 on plant siting which requires identification of an exclusion zone, a population center and a low population zone with the intent of effectively protecting the public. The proposed rule would require extending the present emergency planning to encompass population centers which the criteria in Part 100 are intended to protect. While there may be a need to provide reasonable assurance that appropriate measures can be taken in the event of accidental release of radioactive material from a plant, design features of power reactors are such that emergency planning by licensees beyond the low population zone is inappropriate due to the exceedingly small risk of possible adverse effects beyond that zone.

An acceptable delegation of responsibility assumes that state and local agencies have the responsibility to implement emergency measures off-site for radiological incidents. Licensees do not have authority over the preparation, operation and control of emergency plans that require protective actions for the public.

Acknowledged by card. *all 12/13/78*

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Power reactor operators' responsibility is to secure the plant and mitigate consequence to on-site personnel and to provide notification and suitable information to appropriate government agencies. By this reasoned approach we believe that, from a regulatory point of view, adequate protection of both on-site employees and the general public is provided.

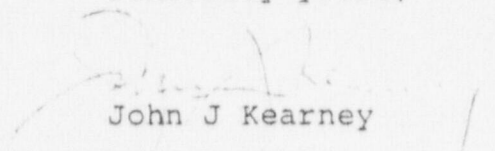
Fulfillment of the proposed NRC regulation would require expenditure of a large amount of time and money to prepare and maintain emergency plans out to 10 miles for evacuation and 50 miles for other protective action. Further, it would necessitate action by those states which already have prepared plans in accordance with NRC guidance contained in NUREG 75/111 and obtained federal concurrence thereon. This represents a potential supplementary investment of manpower and money without perceivable benefits. Compliance with the proposed amendments, if promulgated as written, would call for substantial commitments of resources from state and local agencies perhaps beyond their current capabilities. Unless support is provided to sustain such a commitment of resources the proposed rules could hamper the nuclear power plant siting and licensing process.

Notwithstanding the above, it is our opinion that implementation of the proposed amendments could cause confusion in industry and the public sector. This confusion could be brought about in part by the lack of specific criteria which will be used to adjudge compliance and in part by the possible increase in the number of institutions involved. The involvement of more agencies due to an increase in governmental jurisdictions is clearly not consistent with national policy articulated by the Administration. In general, regulations currently exist to accomplish the stated objective of NRC and there appears to be no reason to add confusing amendments.

Finally, although the proposed amendments cite the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974; there is question as to NRC's statutory authority to promulgate the proposed amendments as regulations. We urge the NRC not to impose the proposed amendments on a permanent basis nor to use them as interim guidance in reviewing an applicant's emergency plan.

Thank you for the opportunity to provide comments related to emergency planning. We would be pleased to meet with you to discuss this critical issue in greater detail.

Sincerely yours,


John J. Kearney

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