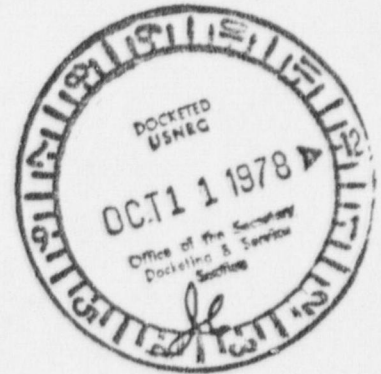


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DOCKET NUMBER
PROPOSED RULE PR-50 (43FR 37473) ⁽⁹⁾



Secretary of the Commission
Docketing and Service Section
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Sir:

The U. S. Nuclear Regulatory Commission has proposed an amendment to Appendix E of 10 CFR Part 50 which concerns emergency plans for production and utilization facilities. A notice of the proposed amendment was published in the August 23, 1978 issue of the Federal Register which provided that comments would be accepted.

Attached are Sargent & Lundy comments. Thank you for the opportunity of comment.

Yours very truly,

J. S. Loomis

J. S. Loomis, Head
Nuclear Safeguards &
Licensing Division

JSL:MEJ:ep
Attachment
Copies:
M. S. Turbak
G. P. Wagner
NSLD File 1B-4

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SARGENT & LUNDY COMMENTS ON

PROPOSED AMENDMENT TO APPENDIX E,

10 CFR PART 50 - PUBLISHED: FEDERAL REGISTER, 8/23/78

The Supplementary Information Section of the proposed amendment to Appendix E 10 CFR Part 50 concerning emergency plans for production and utilization facilities states that the U.S. Nuclear Regulatory Commission (NRC) proposes to modify the wording of Appendix E to allow NRC review and consideration of nuclear power plant evacuation plans beyond the established low population zone surrounding the reactor. It was further stated that the rule change in Appendix E was considered necessary since an Atomic Safety and Licensing Appeal Board decision, ALAB-390, 5 NRC 733 (1977) had construed Appendix E 10 CFR Part 50 as not allowing the NRC to consider emergency plans for areas outside the LPZ.

It is felt that the present wording of Appendix E 10 CFR Part 50 is fully in keeping with the NRC's historically established and published rules for the siting of nuclear power plants and that the wording should not be changed. The NRC siting rules are published in 10 CFR Part 100 - Reactor Site Criteria. Part 100 defines the distance and radiological dose parameters for establishing the exclusion area boundary, the low population zone boundary and the nearest population center distance which are the primary criteria for the siting of a nuclear power reactor so that appropriate protection of the health and safety of the public is assured. Part 100 defines the low population zone as the area immediately surrounding the exclusion area which contains residents, the total number and density of which are such that there is a reasonable probability that appropriate protective measures (for example, evacuation) could be taken in their behalf in the event of a serious accident. It appears clear from the wording of 10 CFR 100 that planning for evacuation of personnel outside the low population zone was not contemplated.

It should also be particularly noted that the proposed amendment to Appendix E of 10 CFR Part 50 does not define any limit to the distance to which the NRC would require that evacuation plans be considered. Hence the established limit criteria of 10 CFR 100 would apparently be removed and no rationally defined criteria would be substituted in their place. It is felt that this is contrary to the basic approach utilized for reactor siting in 10 CFR 100.

In view of the above considerations, it would appear that the proposed rewording of Appendix E 10 CFR Part 50 is contrary to the stated intent of the basic reactor siting criteria given in 10 CFR Part 100. It is felt that any change in the basic siting criteria for nuclear power reactors is a very major rule change that should properly be the subject of very serious and detailed consideration and should, at the least, require submittal of a detailed cost-benefit evaluation with appropriate public review and hearing prior to implementation of any proposed rule changes.