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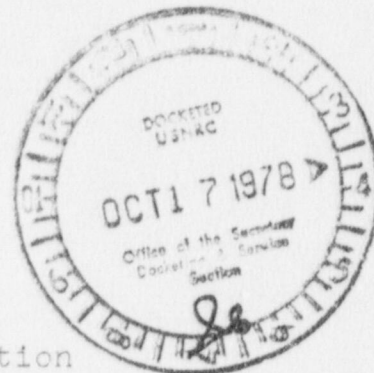
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PROPOSED RULE PR-50(43FR 37473)

October 10, 1978

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

Re: Comments of the County of Suffolk on
Proposed Rule Change of 10 CFR, Part 50
Appendix E - Emergency Plans for Production
and Utilization Facilities



Dear Sir:

As Special Counsel for the County of Suffolk, I am in receipt of a notice of the Nuclear Regulatory Commission regarding a proposed rule change of 10 CFR Part 50, Appendix E relating to emergency response planning (Federal Register, Vol. 43, No. 164, pp. 37473-75, 8/23/78). The proposed rule change would amend NRC Licensing requirements to clarify that emergency response planning should, in appropriate circumstances, encompass notification and, if necessary, evacuation of populations beyond the LPZ of a proposed nuclear facility.

In the NRC construction license proceedings for the proposed Jamesport Nuclear Power Station (Docket Nos. 50-516 and 517), the County has consistently maintained that the emergency response planning should extend beyond the LPZ. The County based its position on the unique geographic location of the proposed Jamesport facilities, the recommendation of the EPA that emergency response planning for Jamesport should encompass the population within a 9-mile radius of the proposed plants, and the fact that occurrence of an accident greater than a DBA (as, for example, a Class 9 accident) should have been (but was not) considered in the NRC's evaluation of the adequacy of the Jamesport emergency response plan.

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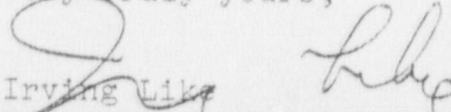
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Secretary of the Commission
October 10, 1978
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(See Excerpts from County's NRC Findings of Fact (Jamesport), paras. 28.1-30.14, 41.1-41.85, attached hereto as Exhibit "A"). Similarly, in the NRC operating license proceedings for the proposed Shoreham Nuclear Power Station (Docket No. 50-322), the County has contended that the Shoreham emergency response plan is inadequate because, among other reasons, it fails to consider the feasibility of notification and evacuation of a population greater than the LPZ population (See, County's Contentions 15a - Emergency Response Planning, and 16a - Evacuation (Shoreham), attached hereto as Exhibit "B"). The County thus supports this proposed rule change in principle but contends that the interim policy, as expressed in the subject notice, should be applied at the construction licensing stage for proposed nuclear reactors before there occurs a sunk investment of resources which would effectively preclude abandonment of the project even should effective evacuation measures ultimately prove incapable of fulfillment at a particular site.

I should note that the Reactor Safety Study (WASH-1400), the document upon which the NRC places reliance in refusing to evaluate the Class 9 accident and the health consequences resulting therefrom in individual licensing proceedings, was recently critiqued in an NRC Report entitled "Risk Assessment Review Group Report to the U.S. Nuclear Regulatory Commission" (NUREG/CR-0400, Sept., 1978). One of the key conclusions of NUREG-0400 was that the absolute values of risk presented by the Report should not be used either in the regulatory process or for public policy purposes. Thus, NUREG-0400 provides further support for the County's position that the Class 9 accident, and the risks to public health and safety associated therewith, should be evaluated in all individual licensing cases. Such a policy would perforce require the NRC to consider notification and evacuation of populations extending beyond the LPZ in every licensing case and would not be dependent upon the geographic peculiarities of a particular site. In the absence of any scientifically defensible data demonstrating that the occurrence of a Class 9 accident is a remote possibility, and in view of the enormous public health and safety risks associated with such an accident, the need to fully evaluate such accidents, and the feasibility of actions necessary to mitigate the health effects resulting therefrom, is manifest.

Very truly yours,


Irving Like
Special Counsel for the

IL/jg
Encs.