

D910517

The Honorable Kenneth M. Carr
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Carr:

SUBJECT: FINAL RULEMAKING TO IMPLEMENT THE EMERGENCY RESPONSE DATA
SYSTEM

During the 373rd meeting of the Advisory Committee on Reactor Safeguards, May 8-11, 1991, we discussed with the NRC staff its proposed final rule that would amend 10 CFR Part 50 to establish requirements for the implementation of the Emergency Response Data System (ERDS). This matter was also considered during our 362nd meeting, June 7-9, 1990. We also had the benefit of comments by a representative of NUMARC and of the documents referenced.

We previously commented on the proposed rule in our report of June 12, 1990. In that report, we did not support the proposed ERDS rule, although we acknowledged that it had some positive aspects.

During this meeting, we discussed Mr. James M. Taylor's July 24, 1990 response to the Committee's report in which he stated that the Commission, in approving SECY-80-433, had established the role and responsibility of the agency in nuclear plant accidents and that these have been articulated in NUREG-0728 and Manual Chapter 0502. He said also that the need for "timely, accurate and reasonably complete information about plant conditions, radiation releases and meteorological conditions at the site," as would be provided by ERDS, is fundamental in carrying out that role and that the ERDS rule would not change the NRC role or its responsibilities.

In addition, Mr. Taylor stated that, based on his personal participation in actual responses to emergencies and exercises, "the risks of acting on inadequate or incorrect information are far greater than those associated with the modest amount of information that ERDS can provide."

We were told by the staff and NUMARC that the voluntary program is not expected to result in industrywide participation. The present level of commitment represents about 55 percent of licensed power reactors, and is not expected to significantly increase without the rule.

As a result of our present review, we recommend that this rule be promulgated. However, we continue to have a concern that ERDS might encourage inappropriate involvement of the NRC in the management of future serious accidents. All operational aspects of accident management must be the responsibility of the licensee unless the Commission determines that formal intervention is necessary to protect the public health and safety.

We recommend that substantial experience be obtained with the operation of ERDS at a few plants before it is implemented industrywide.

We have also observed that ERDS may not be available during loss of power events. This suggests that emergency plan exercises should be carried out periodically without the availability of ERDS so that voice transmission of data can be practiced by participants.

We wish to be kept informed by the staff of the experience with ERDS as it is implemented.

Additional comments by ACRS members William Kerr and J. Ernest Wilkins, Jr. and by Harold W. Lewis are presented below.

Sincerely,

David A. Ward
Chairman

Additional Comments by ACRS Members William Kerr and J. Ernest Wilkins, Jr.

The Committee's report of June 12, 1990 did not support the proposed ERDS rule. We still endorse that position and the justification therefor. We recognize the staff's support and expressed need for the information that they believe will become available with the implementation of the ERDS. However, our fear of inappropriate staff intervention in a serious and unanticipated severe accident continues to outweigh our evaluation of the benefits that might be provided by ERDS. We therefore cannot endorse the rule.

Additional Comments by ACRS Member Harold W. Lewis

I continue to believe that the arguments made in our June 12, 1990 letter remain valid, and do not support this reversal on the part of the Committee. Even the manual chapter on the division of responsibility between NRC and licensee in the event of a serious accident is ambiguous, opening the door to informal management on the part of both on-site and off-site NRC personnel. A central principle of all emergency management is the need for an unambiguous chain of command, and a clear transfer of responsibility when management authority is transferred. If this matter were clearly and unambiguously treated, I would see more merit in the proposed system. ERDS is, after all, a direct descendant of the Nuclear Data Link, for which funds were long denied by the Congress, and which died for exactly these reasons.

References:

1. Memorandum dated April 19, 1991, from E. S. Beckjord, Office of Nuclear Regulatory Research, NRC, to David A. Ward, ACRS, transmitting draft SECY paper on Emergency Response Data

System

2. Memorandum dated July 12, 1990, from James M. Taylor, Executive Director for Operations, to Mr. Charles J. Wylie, ACRS, regarding response to ACRS report dated June 12, 1990, Subject: Proposed Rule to Implement an Emergency Response Data System
3. Memorandum dated April 29, 1991, from P. Boehnert, ACRS, to ACRS Members, transmitting (a) SECY-80-433 dated September 16, 1980, Subject: Reports to Congress - NRC Response Plan; Emergency Communication; and Nuclear Data Link, (b) NUREG-0728, Revision 1, Subject: NRC Incident Response Plan, April 1983, (c) NRC Manual Chapter 0502, Subject: NRC Incident Response Plan, June 11, 1987