

D900612

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

Dear Chairman Carr:

SUBJECT: PROPOSED RULE TO IMPLEMENT AN EMERGENCY RESPONSE DATA
SYSTEM

During the 362nd meeting of the Advisory Committee on Reactor Safeguards, June 7-9, 1990, we discussed with members of the NRC staff their proposed rule to implement an Emergency Response Data System (ERDS). We also had the benefit of discussions with a representative of NUMARC and of the referenced documents.

In previous reports to the Commission dated May 6 and November 12, 1980, the Committee expressed its concern that a proposed nuclear data link could lead to inappropriate NRC involvement in the management of any future serious nuclear power plant accident. We continue to believe that all operational aspects of accident management must be the responsibility of the licensee/owner/operator. We are aware that the NRC has the authority and the responsibility to manage, for example, to give orders concerning the operation of a nuclear power plant, if that is determined by the Commission to be necessary to protect public health and safety. What concerns us is the possibility of informal intervention without the formal assumption of authority and responsibility, and in light of the examples of intervention during normal plant operation to be found in Appendix A of draft NUREG-1395 as referenced in SECY-90-80, "Draft Regulatory Impact Survey Report," our concerns are not alleviated by staff insistence that the existence of an ERDS will not make this more likely.

We recognize that the NRC has a responsibility to provide information to various governmental entities and to the media. However, we also looked for evidence, both in the documentation provided to us and in our meeting with the staff, that the existence of an ERDS would decrease public risk. Although both the documentation and the staff's presentation make statements that risk will be decreased, no evidence is provided to back up these assertions. Thus, if the ERDS is to be treated as a backfit, the benefit side of the ledger contains only statements that more information, and more accurate information, available in the NRC Incident Response Center, will decrease risk.

We were also told that the information that ERDS can provide would free the plant operational staff from the burden of having to respond to questions from NRC headquarters. However, since any serious accident is likely to result from and to produce unexpected phenomena, it is plausible to suppose that the existence of ERDS might actually increase the number of questions asked. We also observe that in station blackout, which many PRAs predict as a

major risk contributor, ERDS would be unavailable.

We acknowledge that the system has positive aspects, but in our view they are outweighed by what we view as negatives. We therefore do not support the proposed ERDS, and thus we do not endorse the proposed rule.

If, however, it is decided to continue with ERDS, we recommend that it not be made compulsory until several years of experience have indicated the form it should take and the way in which it should be operated. Some of the problems that have occurred with the safety parameter display system could have been avoided if experience had been gained before these systems were mandated.

Additional comments by ACRS Members James C. Carroll, Ivan Catton, and Carlyle Michelson are presented below.

Sincerely,

Charles J. Wylie
Acting Chairman

Additional Comments by ACRS Members James C. Carroll, Ivan Catton, and Carlyle Michelson

Although we share the concerns about the accident management issue discussed in the Committee's letter, we believe that the potential benefits of the ERDS in supporting the NRC's role in accident situations are of sufficient importance to outweigh these concerns. Accordingly, we would recommend that the staff proceed with the proposed rulemaking unless it becomes clear that the present voluntary program will ensure industrywide participation.

References:

1. Draft Proposed Rulemaking Package (transmitted by note dated May 31, 1990 from Tony DiPalo, RES), with enclosures:
 - (1) Federal Register Notice of Proposed Rulemaking,
 - (2) Regulatory Analysis of the Proposed Rule Concerning the Emergency Response Data System, and
 - (3) NUREG-1394, "Emergency Response Data System (ERDS) Implementation"
2. U.S. Nuclear Regulatory Commission draft NUREG-1395, "Industry Perceptions of the Impact of the U.S. Nuclear Regulatory Commission on Nuclear Power Plant Activities," dated February 1990.