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Vice President

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DOCKET NUMBER

PROPOSED RULE

95 PR 50 (44FR 75167)

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

Attention: Docketing and Service Branch

Subject: Comments on Proposed Interim Upgrade of NRC
Emergency Planning Regulations (44 Fed. Reg. 75167)

Gentlemen:

Exxon Nuclear Company, Inc. appreciates this opportunity to comment on the proposed interim upgrade of NRC's emergency planning regulations. We have commented previously, both on the occasion of publication of NUREG-0396 and on the earlier NRC notice regarding "Adequacy and Acceptance of Emergency Planning Around Nuclear Facilities" (44 Fed. Reg. 41483).

Exxon Nuclear fully supports the goal of upgrading radiological emergency planning preparedness. In doing so, we generally agree with the cogent analysis and comments which are being submitted by the Edison Electric Institute in this rulemaking. Without repeating the detailed conclusions and recommendations of those comments, Exxon Nuclear takes this opportunity to stress several major concerns.

NRC procedures for ensuring that acceptable emergency plans are developed should remain reasonably flexible and practical. The alternative approaches outlined in the proposed regulation for defining the regulatory courses of action to be taken if an acceptable plan is not developed are too rigid in that they threaten either imminent or immediate shutdown in the event of "non-concurrence" in a plan. Such procedures are not the norm for dealing even with issues of siting and design safety which are reviewed under NRC Rules of Practice. Such drastic special procedures for emergency planning would give it preeminence over (rather than parity with) the more traditional licensing concerns. Once such procedures are set in place, it will be extremely difficult to retreat from them should they prove too inflexible. NRC Rules of Practice should be followed in reviewing emergency planning as well as plant siting and design.

Similarly, procedures which would penalize industry for the shortcomings of states and localities in upgrading their plans can only be counterproductive. Responsibility must rest where the power to perform resides--in this case, with state and local governments. Appropriate incentives and sanctions must apply directly to these entities to encourage them to develop adequate emergency plans. A federal statutory and regulatory framework governing the commercial



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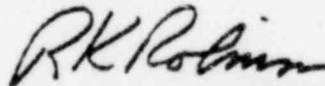
development of nuclear power would be significantly weakened by emergency planning procedures which would effectively afford parochial interests veto power over reactor operation.

The detailing of plan improvements will require more fine tuning than is presently reflected in the proposed regulations. The somewhat arbitrary selection of time limits both for developing acceptable plans and for notifying the public of emergency conditions are but two examples of the need for more refined guidelines. Another is the proposed manner of response for the plume exposure pathway. If a release of airborne radioactive material does occur, it is not likely that all sections of the 360° EPZ would be simultaneously affected. It would seem sensible for emergency plans to recognize this and for first priority evacuation to be given only to the area initially affected by the plume with subsequent evacuation orders geared to changing wind and weather conditions. If mass evacuation were to occur in the entire 360° EPZ simultaneously, one could conceive of a situation where those not initially affected might move directly under the plume in their evacuation routing or block those who need to evacuate the area under the plume. Effective planning will provide for selective evacuation, alternate routes, and above all, reliable and clear notification and instruction.

Finally, and perhaps most importantly to Exxon Nuclear as an LWR fuel supplier, we are concerned that the proposed upgrade requirements might be unnecessarily extended to fuel cycle facilities, since 10 CFR 50, Appendix E is also used in the licensing of those types of facilities. We believe that an exception should be added in the Introduction of the proposed amendment to Appendix E, similar to the exception for research and test reactors, which provides that fuel cycle facilities be treated on a case-by-case basis. Exxon Nuclear recommends revising the relevant language in the Introduction to proposed Appendix E to read:

"The potential radiological hazards to the public associated with the operation of research and test reactors and fuel cycle facilities such as fuel fabrication plants are considerably less than those involved with nuclear power reactors. Consequently, the size of the EPZ's for research and test reactors and such fuel cycle facilities and the degree to which compliance with the requirements of this section and sections II, III, IV, and V is necessary, will be determined on a case-by-case basis using Regulatory Guides 2.6 and 3.42 respectively as standards for acceptance."

Sincerely,



R. K. Robinson

RKR/kd