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PROPOSED RULE **PR-NUREG-0654** (7)
(45 FR 9768)

Mr. Robert G. Ryan
Director, Radiological
Emergency Preparedness
Federal Emergency Management Agency
1725 I Street, N.W.
Washington, D.C. 20055



Dear Mr. Ryan:

The Edison Electric Institute (EEI) is the association of the investor-owned electric utility industry. EEI's membership provides 77% of all electric power purchased in the United States. A number of EEI's members are the operators of nuclear power reactors and/or are responsible for the planning, design or construction of additional reactors.

EEI is offering these comments on the proposed Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (NUREG-0654, FEMA-REP-1, hereinafter referred to as "NUREG-0654" or the "NRC/FEMA document"). These comments are submitted in accordance with the Federal Register Notice of February 13, 1980. 45 Fed. Reg. 9768 (1980).

Summary of Position

NUREG-0654 purports to provide guidance to reactor operators, states and localities in the preparation of emergency preparedness response plans. The NRC/FEMA document contains general planning objectives as well as extremely detailed planning criteria. EEI supports the sixteen planning objectives, i.e., the first paragraph of each of Sections II-A through II-P. They are sound and provide a workable standard for emergency preparedness performance. These are suitable for inclusion in a rule, such as the proposed changes to 10 C.F.R. 50.

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However, the "criteria" resemble actual plan requirements. The planning objectives will be irrelevant if NRC and FEMA mandate detailed plan requirements in the guise of criteria. By extending the criteria to the minute details of planning, the NRC and FEMA defeat the purpose of promulgating general plan objectives and ignore the general concept of using criteria.

EI concludes that the approach of mandating detailed planning requirements will be counter-productive to effective emergency planning preparedness. The NRC/FEMA document imposes uniform, site specific requirements on a nationwide scale; but it seems impossible for NRC/FEMA to prescribe every detail of a preparedness plan for each reactor site. Such an inflexible approach ignores the variations in circumstances at each plant site.

Rather than specifying the result of the evaluation process, NRC and FEMA should recast the criteria as more generalized standards. Such standards would, along with the planning objectives, give reactor operators, states and localities guidance, but with sufficient flexibility to choose the most effective strategy.

NUREG-0654 would impose detailed requirements on licensees, states and localities while the requirements are the subject of on-going review and revision. For instance, the action level criteria in NUREG-0610 have never been finalized. It is inappropriate for NRC/FEMA to issue a document for comment which incorporates by reference a series of documents which have not been finalized. This procedure is particularly difficult for reactor operators, states and localities in those instances in which these specific requirements are being imposed by field teams. This, in many instances, may result in efforts to achieve commitments to meeting standards today which may be changed in the near future. Because NUREG-0654 is being issued for "interim use" by NRC/FEMA field teams, it is essential that there be prompt clarification to prevent the imposition of the specific planning elements.

Specific Comments on the NRC/FEMA Document

The purpose of the NRC/FEMA document should be to provide the basis for sound, reasonable, and rational planning to cope with radiological emergencies associated

with a spectrum of accidents that may be possible as a result of the generation of electricity using nuclear power. The Criteria documents states (page 5), "The overall objective of emergency response plans is to provide dose savings (and in some cases immediate life saving) for a spectrum of accidents that could produce off-site doses in excess of Protective Action Guides." This overall objective should be kept clearly in mind in the development of planning objectives and, in turn, the development of sound, performance-type plan evaluation criteria.

The current criteria represent a step backward from the initial evaluation document, NUREG-75/111 and the supplement thereto. NUREG-0654 suffers from the use of highly prescriptive, rigid, and arbitrary evaluation criteria which are neither consistent in importance nor format. The NRC/FEMA document states (page 25):

"the guidance does not specify a single format for emergency response plans but it is important that the means by which all criteria are met be clearly set forth in the plans. . . . The plans should be kept as concise as possible. The average plan should consist of perhaps hundreds of pages, not thousands. They should be understandable by a layman in a single reading. The plans should make clear what is to be done in an emergency, how it is to be done, and by whom."
(emphasis added)

This statement implies that all criteria are equal, both in importance in providing dose savings and in meeting the planning objectives. This is difficult to achieve for any plan. Moreover, the NRC/FEMA document itself does not meet the test of conciseness, clarity or understandability if all the referenced documents and NRC correspondence are brought together. We believe that the NRC/FEMA document is so detailed and prescriptive that only its planning objectives are valid.

The "evaluation criteria" under each planning objective set forth in Part II of NUREG-0654 are, in many cases detailed and specific requirements. For example, on page 39, criterion 6 spells out the responsibility of the operator "to ensure that such means exist, [i.e., means for

public notification] regardless of who implements this requirement." Such a statement is more suitable, if at all, for the NRC proposed rulemaking and needs no repetition in the criteria document. The first sentence of criterion 6 could suffice. Moreover, the text of criterion 6 is significantly inconsistent with the related criterion just above it.

In many cases, the evaluation criteria cite, and in effect include, other documents such as NUREG-0610 (included as Appendix 1). Many of these referenced documents contain actual or implied rules which would be highly objectionable to nuclear reactor operators, the states or local governments for the purpose of emergency planning.

A major objection to this form of regulation by reference is that many of the referenced documents have not been available for full public review and comment. Moreover, the application of the document may be in conflict with the initially stated purpose when offered for review and comment earlier. For example, the NRC letters cited in the criteria were sent out to reactor operators for information, not as requirements, and the data for these requests are still being developed by separate operators. Even the references include further references. Many of the evaluation criteria also represent newly released requirements. These certainly have not been reviewed previously by anyone outside Government.

Throughout the NRC/FEMA document there are several evaluation criteria that cite NUREG-0610 or are based upon its assumptions. These imply that the reactor operator's decision to recommend protective action is to be based on a more or less mechanical reference to detailed check lists of plant parameters. It will be necessary to perform considerable analysis, both deterministic and probabilistic, in order to construct intelligently these check lists.

NUREG-0654 makes no mention of the concept of probabilistically balancing the good and bad effects of protective action (e.g., evacuation) or of probabilistically evaluating the future course of an accident in progress. The use of the detailed list of plant parameters, however, does implicitly acknowledge that, for less severe or less probable accidents, less drastic protective measures are appropriate. A more directly probabilistic approach is desirable. This would apply to all evaluation criteria which are in turn, based upon the use of NUREG-0610.

We therefore urge NRC/FEMA to reevaluate NUREG-0654 and revise the evaluation criteria to provide the opportunity for more effective alternatives to meet the planning objectives and to assure dose savings in the event of a radiological emergency.

Very truly yours,

John J. Kearney
per [signature]

John J. Kearney
Senior Vice President

cc: Secretary of the Commission
U.S. Nuclear Regulatory Commission