

NOTATION VOTE

RELEASED TO THE PDR

RESPONSE SHEET

4/20/93

date

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initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER CURTISS

SUBJECT: SECY-93-006 - PROPOSED AMENDMENTS TO 10 CFR PART 72 TO ESTABLISH THE EMERGENCY PREPAREDNESS LICENSING REGULATIONS FOR INDEPENDENT SPENT FUEL STORAGE FACILITIES (ISFSI) AND MONITORED RETRIEVABLE STORAGE FACILITIES (MRS)

APPROVED X/with comments DISAPPROVED ABSTAIN

NOT PARTICIPATING REQUEST DISCUSSION

COMMENTS:

My comments on the proposed rulemaking are attached.

210041

Sam R. Utin

SIGNATURE

March 19, 1993

DATE

RELEASE VOTE

WITHHOLD VOTE

ENTERED ON "AS" Yes No

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planning with provisions for offsite emergency response in terms of coordination and communication with offsite authorities and the public.

As a result of the above evaluation, the Commission is proposing that the emergency planning licensing requirements for Part 72 licensees be similar to those requirements already codified in 10 CFR Part 70.22 for other Part 70 licensees. Nonetheless, the Commission wishes to establish unique provisions in the emergency planning requirements for ISFSI facilities versus MRS facilities.

The Commission's ~~basis for this decision is not based totally on~~ ^{ANTICIPATES A POTENTIAL NEED FOR ENHANCED EMERGENCY PLANNING} ~~potential doses resulting from accidental releases for a spectrum~~ ^{REQUIREMENTS APPROPRIATE TO THE ENTIRE RANGE OF OPERATIONS WHICH MAY BE CONDUCTED AT} ~~of accidents because all~~ ^{POSTULATED AND} ~~accidents that have been analyzed for~~ ^{AN MRS} ~~either an ISFSI or MRS~~ ^{FACILITY} ~~have resulted~~ ^{would} in similar offsite doses.

The analysis of potential onsite and offsite consequences of accidental releases associated with the operation of an ISFSI is contained in NUREG-1140. This evaluation shows that the maximum dose to a member of the public offsite due to an accidental release of radioactive materials would not exceed 1 rem effective dose equivalent which is within the EPA Protective Action Guides or an intake of 2 milligrams of soluble uranium (due to chemical toxicity).

Thus the consequences of worst-case accidents involving an ISFSI located on a reactor site would be inconsequential when compared to those involving the reactor itself. Therefore, current reactor emergency plans cover all at-reactor ISFSI's. An ISFSI that is to be licensed for a stand-alone operation will need an

emergency plan established in accordance with the proposed requirement in this rulemaking. NUREG-1140 concluded that the postulated worst-case accident involving an ISFSI has insignificant consequences to the public health and safety. Therefore, the proposed requirements to be imposed on ISFSI licensees reflect this fact, and do not mandate formal offsite components to their onsite emergency plans.

Similarly, the Commission has conducted an analysis of potential onsite and offsite consequences of accidental releases associated with the operation of an MRS. The analysis is contained in NUREG-1092. This evaluation shows that the maximum dose to a member of the public offsite due to an accidental release of radioactive materials would likely not exceed 1 rem effective dose equivalent which is within the EPA Protective Action Guides or an intake of 2 milligrams of soluble uranium (due to chemical toxicity). Nonetheless, the ^{COMMISSION BELIEVES IT APPROPRIATE TO} ~~reason for~~ requiring enhanced

~~BECAUSE OF THE BROADER SCOPE OF ACTIVITIES WHICH~~ ^{BECAUSE OF THE BROADER SCOPE OF ACTIVITIES WHICH} ~~considerations about what operations~~ ^{could be performed} ~~at such a facility.~~ ^{AT SUCH A FACILITY.} ~~such as~~ ^{such as} ~~the handling and repackaging for storage of large numbers of individual fuel bundles (15,000 Metric Tons Heavy Metal (MTHM))~~ ^{INVOLVES} ~~which includes~~ ^{the receipt, inspection, and transfer of several thousand transport casks,} ~~as well as the possible consolidation of the stored fuel into casks for subsequent geological disposal after interim storage.~~ ^{GIVEN} ~~Due to~~ ^{the} ~~uncertainties in the design and operation of the MRS, (no formal application exists) the Commission believes it prudent to raise the level of emergency~~

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planning to include some offsite preparedness should ^{an accident} ~~RISK~~
IN exceed³⁵ ^{OF} those analyzed in NUREGS 1140 and 1092.

Therefore, the emergency plan requirements for the MRS include an
offsite component, codified within that section of the proposed
rule. ^{BECAUSE} The level of threat to the public health and safety from

the MRS when ^{MAY EXCEED} compared to that from an ISFSI ~~may not be the same.~~

At this time, ^{A FINAL} the MRS design has not been ^{SELECTED} finalized. The MRS may
be a large industrial facility. ~~The operation would include~~
^{EQUIPPED TO HANDLE} facilities for the loading, unloading, and decontaminating a

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large number of spent fuel shipping containers arriving by both
truck and rail. It could also include facilities to disassemble
the fuel bundles and consolidate that fuel into special
storage/transport containers, and facilities to handle solidified
high-level waste. Such facilities would require the equipment
necessary to treat low-and high-level waste generated by the
above operations.

Based strictly on NUREG-1140, an offsite
component to the emergency plan for the MRS may not be warranted.
However, the potential scale and nature of this type of operation
may mandate the ability to achieve an increased level of
response, one that should include an offsite component.

To achieve this goal, the proposed MRS emergency plan
requirements are modeled after 10 CFR 50.47(d). The intent of
this section was to mandate a minimum level of offsite response
capability during initial reactor licensing and low power
operations. This same minimum level of response is considered
appropriate to MRS operations.

IT IS ALSO POSSIBLE, HOWEVER, FOR AN MRS
FACILITY TO SERVE PRIMARILY AS A WAREHOUSE
OPERATION, ~~AND~~ LIMITED SOLELY TO ACCEPTING,
STORING AND LATER TRAN-SHIPPING A LARGE
NUMBER OF UNIVERSAL CONTAINER SYSTEMS (UCS) OF THE
TYPE PROPOSED BY VIRGINIA POWER.

Because much of the language needed to achieve this level of offsite protection has already been codified in 10 CFR Part 50, similar language is included within the proposed emergency plan requirements for an MRS, [72.32(b)(15)(i-vi)].

The Commission notes that for both types of facilities this rulemaking is not required in order to provide adequate safety and may not be justified based solely on a comparison of the costs of implementing these regulations to the increase in public health and safety. Rather, the Commission believes that it is justified in terms of safety enhancement such as the intangible benefit of being able to assure the public that local authorities will be notified in the event of an accident so that they may take appropriate actions. The NRC feels that such preparedness ^{is} ~~represents a prudent step~~ ^{and consistent with} ~~which should be taken in line~~ with the NRC's philosophy of defense-in-depth.

Nonetheless, the Commission wishes to note that because the ^{NATURE AND EXTENT OF} ~~FULL~~ operations and processes ^{THAT WILL BE CONDUCTED} at an MRS are yet undefined, the public is requested to comment as to whether an offsite component to emergency preparedness at an MRS is reasonable, appropriate or premature at this time.

It is the Commission's intention that the enclosed proposed Part 72 Emergency Planning requirements supercede the proposed Emergency Planning requirements published on May 27, 1986, (51 FR 19106); therefore, the 1986 proposed amendments are hereby withdrawn.