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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

United States Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Service Branch  
Mr. Chilk, Secretary

Subject: Proposed Rule on Emergency Response Data System (ERDS)

Dear Mr. Chilk:

Yankee Atomic Electric Company (Yankee) appreciates the opportunity to comment on the proposed rule change to 10 CFR, Part 50, which establishes licensee participation in the Emergency Response Data System (ERDS) program as mandatory. Yankee owns and operates a nuclear power plant in Rowe, Massachusetts.

A major lesson learned from Three Mile Island (TMI) is the need for a central, coordinated response. The principle criticism of the handling of TMI contained in the Kemeny Commission Report (October 1979) was "[that the response to the emergency at TMI] was dominated by an atmosphere of total confusion". This issue has since been addressed by both the NRC and industry. Existing programs and facilities provide explicitly for timely notification and mobilization of utility, federal, and state resources. Emergency facilities in the vicinity of each plant have been especially designed to provide all emergency response experts with accurate data, and the assurance that such information is placed in context by the most knowledgeable users of the data -- the Plant Operating Staff.

The licensee is unconditionally responsible for the operation of the plant as well as the consequences of those operations. We believe that under the ERDS scenario, the licensee faces a high likelihood of interference by outside groups privy to a limited set of raw Control Room data. There would exist a temptation to these groups, however well-intentioned, to impose their own "objective" operational and protective action "directives" and usurp coordination and control of the situation. We are concerned that plant and emergency staff, rather than focusing on control and mitigation of a potential accident, will be addressing speculation regarding what others might perceive to be happening. Reactor conditions form only a portion of the input necessary to determine what protective action recommendations should be made. Factors

PROPOSED RULE ON ERDS

Page 2

such as road conditions, weather, and specific requirements imposed by state and local governments must also be considered. Thus, from purely a safety perspective, Yankee opposes imposition of the so-called ERDS as a mandatory requirement to 10 CFR.

Under the current Emergency Notification System (ENS), Control Room personnel are constantly in contact with the NRC during an emergency. Additionally, the NRC would typically dispatch a large team of specialists to the utility's emergency response facilities to interact with utility as well as state and local authorities as necessary. This site response team must necessarily take the lead in assessing the situation regardless of where else data is available, because they alone have access to the complete picture which includes, but is not limited to, plant parametric data. In this way accurate and timely information, placed in the proper context, is continually being relayed and updated. The Plant Operating Staff is not distracted from their primary function of returning the plant to a safe condition. There seems little need to augment this process with another data system.

The NRC has correctly, we feel, categorized the proposed rule as a backfit. We certainly do not agree that its imposition is justified. Review of the regulatory analysis provided in support of the ERDS requirement reveals that: 1) There is no evidence cited to substantiate any increase in safety by implementing ERDS and 2) There is no consideration (objective or otherwise) of the potential safety hazard created. The analysis states that ERDS would result in an "unquantifiable, but significant increase in the level of protection provided to the health and safety of the public". This purely subjective assessment falls woefully short of "substantial increase in the overall protection of the public health and safety..." which is required by the Backfit Rule. Mere speculation should not replace objective evidence or analysis in this regard. Ironically, the potential degradation in safety as licensee personnel are deluged with additional speculative questions derived from analysis of the ERDS data, seems to suggest the total opposite of "increased safety".


Finally, because the NRC has demonstrated a willingness to share data with any state, and perhaps others, the specter of further complications arises as parties obtaining raw Control Room data create scenarios independently and bombard the Control Room with their own conclusions and recommendations. Once again, the utility's emergency facilities are the appropriate venue to provide state emergency response personnel with timely and accurate information thus avoiding the "confusion" that uncontrolled data dissemination presents. The lessons learned from TMI are too

important to be ignored. The most important being to assure that the decision-makers have the best information possible and to act in a coordinated way to protect the public health and safety. We have gone to great lengths to bring decision-makers to the site areas so that they may be properly involved and informed. To transmit data off-site to the NRC and perhaps to the States would undermine the basic philosophy of emergency response as learned by the TMI experience. As Acting ACRS Chairman Charles J. Wylie said in his letter to Chairman Carr,

"...In previous reports to the Commission dated May 6 and November 12, 1990, 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... What concerns us is the possibility of informal intervention without the assumption of authority and responsibility... Our concerns are not alleviated by staff insistence that the existence of an ERDS will not make this more likely... We therefore do not support the proposed ERDS, and thus we do not endorse the proposed rule" (emphasis added).

For all of the above reasons, a rule requiring ERDS for all plants is bad policy and should be rejected.

Very truly yours,



Donald W. Edwards  
Director, Industry Affairs

DWE/cmd