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(55FR 41095)

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GEORGE C. CREEL
VICE PRESIDENT
NUCLEAR ENERGY
13011 260-4455

December 20, 1990

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

ATTENTION: Docketing & Service Branch
SUBJECT: Calvert Cliffs Nuclear Power Plant
Unit Nos. 1 & 2; Docket Nos. 50-317 & 50-318
Emergency Response Data System; Proposed Rule
Federal Register Doc. 90-23767, October 5, 1990

Gentlemen:

Baltimore Gas and Electric Company is pleased to provide comments on the proposed rule regarding Emergency Response Data System (ERDS).

Baltimore Gas and Electric Company supports system changes or modifications that are recognized as improvements to emergency response capabilities. We agree that ERDS will benefit the NRC's emergency response capabilities. We do not, however, believe that the proposed rule is necessary. Emergency Response Data System is an improvement to a system that has been "deemed adequate" (at 55 FR 41098, Analysis, Item 3 Response). Implementation of the ERDS is not a corrective action for a deficiency or system failure. It only improves reliability and timeliness of data transmission. NRC should continue to pursue ERDS implementation on a voluntary basis. The NRC should monitor the effectiveness of ERDS as it is implemented and make improvements as necessary. Specific comments on the proposed rule are provided in Attachment (1).

More generally, we believe rulemaking should be pursued only when there is a demonstrated need for a rule.

Should you have any further questions regarding this matter, we will be pleased to discuss them with you.

Very truly yours,

GCC/JMO/TEF/dlm

Attachment: As Stated

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ATTACHMENT (1)

Specific Comments to Proposed Rule
FR Doc. 90-23767 Filed October 5, 1990
Emergency Response Data System
(ERDS)

1. General:

As discussed in the body of this letter, the proposed rule is not necessary. ERDS should be pursued as a volunteer program.

- NOTE -

Underlining denotes words added.
Lined through words are suggested
deletions from FR wording.

2. Part 50.72 [u] * * *
[4]

Change as noted:

"The licensee shall activate the Emergency Response Data System (ERDS)⁵ - after
Technical Support Center (TSC) activation for any condition that requires the
declaration of an emergency class of alert, site area emergency, or general emergency,
~~at the time that the NRC Operations Center is notified of the emergency class~~
~~declaration.~~"

Basis:

In the Discussion portion of the FR notice it is recognized that Control Room
burdens are extensive during an emergency. Every opportunity to reduce this burden
must be exercised. By having ERDS activated after the TSC is activated, no
additional tasks are being added to the Control Room. ERDS is a supplemental
system (reference, Appendix E, VI.1.; second sentence). If activation is required
prior to staff augmentation, then the proposed rule is adding work to Control Room
staff. This contradicts a major argument for having the system (" . . . allow the
licensee to redirect resources . . .").

3. Appendix E, Part VI.1
Delete:

~~"The frequency of ERDS testing will be quarterly unless otherwise set by NRC based
on demonstrated system performance."~~

ATTACHMENT (1)

Specific Comments to Proposed Rule
FR Doc. 90-23767 Filed October 5, 1990
Emergency Response Data System
(ERDS)

Basis:

It is sufficient to say that licensee's shall test ERDS periodically. The frequency of tests must be such that they do not distract Control Room staff from their primary role. Even if tests are done by maintenance personnel, the Control Room will have to be aware of the activity. Again, an incremental burden is added to Control Room operators.

Actual test frequencies must be established at the worker or implementation level rather than by Federal Regulations. It must be recognized that resources may have to be added to support high frequency testing. If tests are needed because of licensee side problems, the expenditure may be appropriate. If, however, NRC equipment proves to be unreliable, then the utility should be consulted for an optimum test frequency.

4. Appendix E, Part VI.2.a

Delete:

~~"While it is recognized that ERDS is not a safety system, it is conceivable that a licensee's ERDS interface could communicate with a safety system. In this case, appropriate isolation devices would be required at these interfaces."~~

Basis:

Isolation requirements for safety systems are addressed by design control mechanisms (see 10 CFR 50.55a). This sentence amounts to a caveat and is neither necessary nor appropriate in the proposed rule.

5. Appendix E, Part VI.2.a

Delete footnote 6:

~~"The data points, identified in the following parameters will be transmitted:⁶~~

~~"⁶ See 10 CFR 50.55a(h) Protection Systems."~~

Basis:

The purpose of this footnote is unclear. As discussed above, licensee's are bound by all parts of the Code of Federal Regulation relative to plant operation, maintenance and modification. A footnote reference appears unnecessary.

ATTACHMENT (1)

Specific Comments to Proposed Rule
FR Doc. 90-23767 Filed October 5, 1990
Emergency Response Data System
(ERDS)

6. Appendix E, Part VI.3

Delete:

Part VI.3.a and VI.3.b entirely.

Insert:

"Licensees shall establish mechanisms to notify the NRC of hardware or software changes that:

- a. affect the transmitted data points identified in the Emergency Response Data System Data Point Library (database)
- b. affect the transmission format and computer communication protocol to the ERDS.

Basis:

While the importance of keeping the NRC abreast of system changes is recognized, we do not feel that it is appropriate to establish a submittal "clock" in the Code of Federal Regulations. The Code should only require that the means exist for keeping NRC informed. Details (such as submittal time) should be left to regulatory guidance (ERDS is after all, a supplemental system). We recommend an annual report summarizing changes similar to the annual report required by 10 CFR 50.59.

7. Appendix E, Part VI.4

Delete:

Parts VI.4.a and VI.4.b entirely.

Insert:

"Licensees shall work with NRC to develop site specific schedules for implementing ERDS."

ATTACHMENT (1)

Specific Comments to Proposed Rule
FR Doc. 90-23767 Filed October 3, 1990
Emergency Response Data System
(ERDS)

Basis:

NRC has established a schedule for implementing ERDS in NUREG-1394, Emergency Response Data System (ERDS) Implementation. Essentially, licensees need only coordinate with NRC to establish dates for the 11 activities. Since the most significant portion of the work scope is NRC's development of a communications line with the utility, the utility's role is subordinate. Regarding ERDS implementation within eighteen months or before initial escalation to full power, there is no basis for either requirement. As noted in the Federal Register, Backfit Analysis (Response 3) verbally transmitted data via the Emergency Notification System has been found to be adequate. Since ERDS is an improvement to an acceptable system, there is no need to prevent full power operation nor to impose an arbitrary time table for implementation.