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Mr. Samuel J. Chilk
Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

Re: Proposed Rule - 10 CFR Part 50
Emergency Response Data System
55 FR 41095 (October 9, 1990)
Request for Comments

Dear Mr. Chilk:

At 55 FR 41095, the NRC requested comments on a proposed rule amending 10 CFR Part 50 and requiring licensees to participate in the Emergency Response Data System (ERDS) Program. These comments are submitted on behalf of the Florida Power & Light Company (FPL), a licensed operator of two nuclear power plant units in Dade County, Florida and two units in St. Lucie County, Florida.

FPL does not support or endorse the proposed rule for the following reasons:

1) The NRC has not adequately addressed alternatives to the rule, specifically, the existing Emergency Notification System.

2) Implementation of ERDS will increase the burden on the licensee's emergency staff.

3) The NRC has not provided adequate justification that the existence of an ERDS would decrease public risk.

First, FPL recognizes the need to provide timely and accurate information during an emergency condition and has always supported the use of the existing Emergency Notification System (ENS) with these elements in mind. The NRC stated in the regulatory analysis of the proposed rule that "[a]lthough only two alternatives are considered in this regulatory analysis, a number of other methods of transmitting data from a nuclear power reactor were briefly reviewed" (Regulatory Analysis of the Proposed Rule Concerning the Emergency Response Data System, p. 5). These other methods, one of which supported use of the existing ENS, were disregarded since as stated "they did not meet the requirements for reliability and timeliness." FPL believes that the NRC did not

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adequately evaluate these other methods and that these methods deserve more than the referenced brief review. FPL believes that timely and accurate information can be and is provided through the existing ENS. This position is supported in the NRC's own regulatory analysis. In its analysis the NRC concedes "... the [ENS] system is deemed acceptable..." (Regulatory Analysis of the Proposed Rule Concerning the Emergency Response Data System, p. 1).

Second, FPL and other licensees dedicate personnel to transmit information through the currently installed ENS and Health Physics Network. These personnel receive plant data from the same sources as would ERDS, as well as additional plant data which, collectively, is needed to make valid assessments concerning off-site protective actions. The proposed rule states that ERDS would supplement the currently installed ENS. Thus, FPL and other licensees would continue to apply the same resources for voice communication of plant conditions, and if the proposed rule is adopted, the burden would increase to establish and maintain the computer information link. Additional burden would be imposed on licensees to maintain undefined levels of operability and reliability if a licensee is required to apply technical resources to restore a failed data link at the same time it is responding to an emergency at a nuclear power plant.

Third, although the NRC states that public risk will be decreased by implementation of ERDS, no evidence is provided to justify these assertions. The regulatory analysis merely states that "estimating the reduction in off-site radiation exposure to the general public attributable to the implementation of an ERDS is beyond the scope of this analysis..." (Regulatory Analysis of the Proposed Rule Concerning the Emergency Response Data System, p. 15).

Based on the above, FPL believes that the NRC's backfit analysis in support of the proposed rule is not in keeping with the spirit of the backfit regulation. Title 10 CFR § 50.109 states that "the commission shall require the backfitting of a facility only when it determines, based on the analysis described in paragraph (c) of this section, that there is a substantial increase in the overall protection of the public health and safety or the common defense and security to be derived from the backfit and that the direct and indirect costs of implementation for that facility are justified in view of this increased protection." The benefit side of the NRC's backfit analysis contains only conclusory statements that more accurate and timely information, available in the NRC Operations Center, will decrease public risk.

In conclusion, FPL believes the current ENS meets the NRC objective for having available accurate real-time data during an emergency response. Additionally, FPL believes that both ENS and ERDS would achieve the NRC's objective of obtaining accurate real-time data, each of which can provide an adequate level of protection. However, the licensee should be free to choose the way which best suits its needs. Therefore, FPL urges the NRC to reject the proposed rule in the absence of a quantifiable justification showing a substantial reduction in public risk.

The Nuclear Management and Resources Council, Inc. (NUMARC) has offered comments on this proposed rule change under separate cover. FPL supports the comments submitted by NUMARC.

FPL appreciates the opportunity to comment on the proposed rule.

W. H. Bohlke
Vice President
Nuclear Engineering and Licensing

WHB/lef