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June 2, 1994

Secretary
US Nuclear Regulatory Commission
Washington, DC 20555

DOCKET NUMBER
PETITION RULE PRM 50-60
(59 FR 17499)

Attn: Docketing and Service Branch

RE: Petition for Rulemaking Regarding Audits of Licensee Emergency Preparedness Programs (Docket No. PRM-50-60)

The Illinois Department of Nuclear Safety (IDNS) hereby submits its comments concerning the above-mentioned petition. IDNS is the lead agency in Illinois for preparing emergency plans for, and (in cooperation with the Illinois Emergency Management Agency) coordinating emergency responses to, accidents at nuclear power plants.

The subject petition is a companion piece to the petitioner's 1993 petition regarding frequency of emergency preparedness (EP) exercises, which IDNS opposed in our April 2 letter of that year. Many of the same arguments that we found questionable then have been advanced by the petitioner in support of this petition. In particular, given the importance of preparedness to overall safety, we do not believe that annual EP audits constitute an excessive burden, just as we do not believe that annual exercises constitute an excessive burden. We also still maintain that the industry's sensitivity to EP issues is a direct result of past regulatory emphasis on EP, and that recent improvements in SALP scores and decreasing frequency of significant issues in EP audits are in part a result of continued emphasis in this area. While NRC cannot afford to neglect other safety issues, EP provides the last line of defense in protection of public health and safety, and as such cannot be de-emphasized without unacceptably increasing public risk. We recognize, however, that each entity of government and each licensee must make optimum use of its resources.

Regarding this petition specifically, IDNS has some concerns with the proposed wording. The term nominally should be clarified or replaced: if the petitioner means that audits should be conducted at least once every 24 months, then the regulation should say that. It appears that much of the petitioner's intent (as reported in the Federal Register notice) is not reflected in the proposed changes. The petitioner appears to be suggesting a flexible, performance-based audit frequency, in which licensees could be subject to EP audit requirements every two years only as long as their previous audits gave (in sufficient detail to be credible) satisfactory results. This idea is not clear from the proposed wording.

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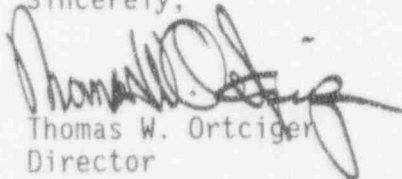
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Since EP audits are conducted in varying degrees of depth and detail, they are therefore of varying degrees of usefulness. Audits should be structured and scheduled so as to gain maximum information and feedback for the licensee concerning any needed followup actions. To that end, NRC might wish to establish clear standard criteria for such audits (similar to FEMA's evaluation criteria in REP-15 and other guidance documents). Audits should, moreover, include a focus on at least one specific area each time, the subject of that focus to be randomly chosen and not predetermined. This would help to ensure a more realistic portrayal of EP programs, with more useful information for licensees wishing to correct weaknesses or improve their performance. Such an approach might be a better use of auditor resources and provide an incentive for licensees to maintain excellent EP programs, as suggested in the petition.

We appreciate the opportunity to comment on this important issue. Whatever course of action is selected, we hope that NRC will continue to recognize the value of strong EP programs, and not allow EP requirements to erode.

Sincerely,



Thomas W. Ortziger
Director

TWO:tlk

cc: John B. Martin, USNRC, Region III