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# PUBLIC SUBMISSION

**Docket:** NRC-2015-0225

Emergency Preparedness Requirements for Small Modular Reactors and Other New Technologies

**Comment On:** NRC-2015-0225-0071

Emergency Preparedness for Small Modular Reactors and Other New Technologies; Proposed Rule

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## General Comment

Thank you for the opportunity to comment on this well thought out proposed rule. It is hoped that the attached comments will add constructively to the effort.

See attached file(s)

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## Attachments

Comment on EP rule

The NRC staff effort to modernize EP regulations for SMRs is truly groundbreaking. The proposed regulation will go far to removing requirements that do not focus oversight on reasonable assurance that public health and safety will be maintained. The following comments are provided for consideration in order to enhance the proposed regulation.

1. This proposed rule is an opportunity to improve the emergency plan change process. The rule invokes the difficult method of 50.54(q). Even though 54(q) was improved in a previous rulemaking it remains subjective to an extent. A truly performance-based rule would include a performance-based change process. It is suggested that any non-administrative change be demonstrated in an inspected exercise or drill to verify the effectiveness before implementation. Major components of response could be revised, and yet reasonable assurance maintained through inspected demonstration, as opposed to a paper analysis as the 50.54(q) process requires. However, in this method some elements would remain under direct NRC review and approval to include: EALs, eight year cycle of drill and exercise objectives and review of scenarios used to demonstrate effectiveness of plan changes.
2. 50.160(b) would lead one to believe that the emergency plan must be submitted for review and approval much like the existing regulatory oversight system. This is not a performance-based oversight method. It is possible to construct an oversight method where the plan is developed, reviewed, questions asked for clarification and then approved when it is demonstrated in an inspected exercise. The plan is then the commitment document that may only be changed through demonstration in an inspected exercise or drill (per comment 1 above). This reflects a focus on capability or outcome, rather than compliance with a paper plan.
3. 50.160(b)(1)(iii) does not include mitigation capability demonstration, nor do the performance objectives and metrics required by 50.160(b)(1). It could be stated that lack of oversight of mitigation capabilities contributed to the extent of the Fukushima accident. This important capability should remain a regulatory requirement.
4. The rule parses public information as a planning item rather than a response item. It is suggested that a timely public information capability should be part of response, although not an immediate response.
5. 50.150(b)(1)(iii) lists core damage assessment as a response capability. 40 plus years of regulatory oversight of exercises has shown this element to be of little value during response. Rather it should be considered a recovery or planning effort. Radiological assessment is sufficient to determine impact on facility and public during response.
6. Similarly, reentry, other than as required for mitigation efforts, has been shown to be of little value in ensuring reasonable assurance that the emergency plan can and will be implemented. Suggest it be focused on mitigation or eliminated.
7. It is noted that a hazard analysis is required in the emergency plan. It was understood that such an analysis would be conducted during the siting review. Perhaps it is intended that EALs include the potential for nearby hazards to create an emergency? All necessary information to develop such EALs should be included in the siting analysis. It is suggested that this item be remanded to the appropriate licensing requirements and if appropriate be included in EAL considerations, but not repeated in the emergency planning effort.
8. It is noted that consideration of integrating safeguards incidents into emergency response seems to be missing. Perhaps this is due to the inherent safety of the design and/or resistance to hostile threat. Otherwise, it is suggested that the rule require demonstration of response

capability that addresses hostile action and integrated emergency response with hostile action response.

The staff should be complemented for an extensive and well thought out effort to integrate performance-based elements into the proposed rule. It is hoped that these suggestions can improve that effort. Thank you for the opportunity to comment on the proposed rule.