

# EDISON ELECTRIC INSTITUTE

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DOCKETED  
USNRC

PROPOSED RULE

PR-140

(50 FR 13978)

(20)

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

September 6, 1985

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

Attention: Docketing and Service Branch

Subject: Proposed Rule: Criteria for an  
Extraordinary Nuclear Occurrence  
(50 Fed. Reg. 13978-85, April 9, 1985)

Dear Mr. Chilk:

The Nuclear Regulatory Commission published on April 9, 1985, for comment, a proposed rule consisting of three options for Criteria for an Extraordinary Nuclear Occurrence. The Edison Electric Institute has a vital interest in the NRC's Extraordinary Nuclear Occurrence (ENO) rulemaking.

The Edison Electric Institute (EEI) is the association of the nation's investor-owned electric companies and its members currently operate 78 nuclear energy units with full power operating licenses and one with a low power license. EEI members will operate 23 additional units now under construction.

On September 6, 1985, the Atomic Industrial Forum (AIF) filed extensive comments on the proposed rule. Representatives of EEI member companies and EEI staff participated with the AIF Committees in preparation of those comments. EEI fully endorses the AIF comments on the proposed rule for Criteria for an ENO. We wish to emphasize, however, two fundamental points made in the AIF comments:

o ENO Threshold

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As a result of the Commission's difficulty in applying the existing Criteria to the facts about the March 29, 1979 TMI-2 accident (which was determined not to be an ENO), the Commission is proposing to revise the ENO Criteria so as to make them more practicable. EEI does not disagree with the Commission's desire to render these Criteria more practicable. However, it appears that in doing so, the Commission has also proposed to lower the threshold for determining that an ENO

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has occurred. Congress desired to establish a level of discharge that is clearly above that which could be expected from normal activities. We respectfully suggest that the Commission has lost sight of the intent of the statutory language; an intent that is reflected in the existing Criteria. EEI recommends that the Commission revisit the threshold question in light of the Congressional intent and use a higher threshold, similar to the existing Criteria, for revising the Criteria.

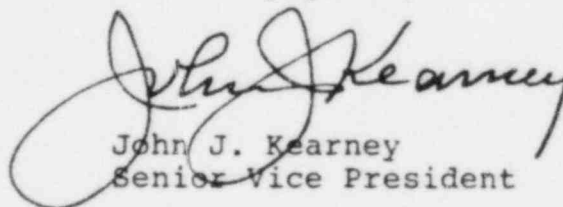
o Explanatory Information

The explanatory material contained in the April 9, 1985 Federal Register notice does not explain fully the Commission's underlying rationale for the proposals. We suggest that it would be in the best interest of all concerned for the Commission to publish a more complete explanation of the policy, technical and legal aspects of the proposal.

In summary, EEI recommends that the Commission reconsider the proposed rule, taking into account the intent of the statutory language and re-propose the rule along with a full explanation of its rationale. EEI, along with the AIF Committees, would be pleased to assist the Commission and its Staff in this endeavor.

We appreciate the opportunity to comment on this proposed rule. If you have any questions, please do not hesitate to contact us.

Sincerely yours,



John J. Kearney  
Senior Vice President

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