

# PUBLIC SUBMISSION

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## General Comment

See attached file(s)

## Attachments

FCOP comments on cornerstones issued for public comment

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Add= A. Smith (AX520)

## COMMENTS ON THE DRAFT CORNERSTONE DEVELOPMENT DOCUMENT

1. Page 9 – The last paragraph states that a cornerstone on emergency preparedness is included to verify that emergency response actions are adequate. However, fuel facility regulations don't require a finding that response actions are adequate. In fact, the published position of the Commission is that accidents at fuel facilities pose a very small risk to the public. Offsite radiation doses large enough to cause an acute fatality or even early injury are not considered plausible. In view of two factors – (1) realistically, exposures should generally be low compared to protective action guides, and (2) the fast moving nature of accidents of concern – formal evacuation planning is not considered necessary, appropriate, or feasible. Actions to move people out of areas of dense smoke/fumes or get them to seek shelter indoors are routine for fire and police personnel. Such actions would be expected whether response organizations had formal emergency plans or not.

The cost of emergency preparedness at fuel facilities cannot be justified in terms of protecting public health and safety. Rather, the NRC justifies it in terms of the intangible benefit of being able to reassure the public that, if an accident occurs, local authorities will be notified so they may take appropriate actions.

By failing to reference the published position of the Commission on emergency preparedness at fuel facilities, the cornerstone development document fails to acknowledge that our regulations in this area are not risk significant and there is no basis for a cornerstone on emergency preparedness. Since the basis for the regulations is the "intangible benefit of being able to reassure the public," I believe that emergency preparedness inspection findings should be a subset of the public safety cornerstone and the emergency preparedness cornerstone should be deleted.

Reference: NUREG-1140, A Regulatory Analysis on Emergency Preparedness for Fuel Cycle and Other Material Licensees, ADAMS no. ML062020791.

Reference: Statements of Consideration for Final Rule, Emergency Preparedness for Fuel Cycle and Other Material Licensees, April 7, 1989, 54 FR 14051.

2. Page 10 – The document states that the objective of the emergency preparedness (EP) cornerstone is to verify that the licensee is capable of implementing adequate measures to protect public health and safety during an emergency. As noted above, this objective is beyond the scope of regulatory requirements for fuel facilities. There is no requirement in 10 CFR Parts 40 and 70 for NRC staff to find that adequate protective measures can and will be taken at a fuel facility (like the reactor requirement in 10 CFR 50.47(d)). The objective of the oversight should be to verify that a program is established and maintained in accordance with the emergency plan, if an emergency plan is required. This objective is consistent with the objective in Inspection Procedure 88050, Emergency Preparedness.

3. Page B-2 – Under Attribute 2(a), Human Performance, the scope states that inspectors focus on whether the licensee's ISA appropriately weighs the complexity of actions workers are required to perform. However, the basis doesn't refer to ISA regulatory requirements (such as 10 CFR 70.62(c)). The basis refers to requirements for brief descriptions in an emergency plan (which may not even be required). If the objective is to review how worker actions were scored in the ISA, then the basis should be the regulation governing the ISA.
4. Appendix E – The key elements listed for emergency preparedness don't make sense. They look a lot like the key elements of emergency preparedness from the Reactor Oversight Program, but Parts 40 and 70 don't impose the prescriptive requirements that are imposed on reactors in Part 50. If you want to define reasonable key elements for a fuel facility, you should look at the inspection procedures used by fuel facility inspectors. Based on Inspection Procedures 88050 and 88051, I would suggest the following key attributes:
  - a. Program Implementation (with the following inspectable areas):
    - i. Program Changes
    - ii. Implementing Procedures
    - iii. Training and Staffing
    - iv. Equipment and Facilities
    - v. Audits and Assessments
  - b. Tests, Drills, and Exercises (with the following inspectable areas):
    - i. Planning
    - ii. Execution
    - iii. Critiques
  - c. Offsite Response Organizations (with the following inspectable areas):
    - i. Coordination
    - ii. Training Offers
    - iii. Right-to-Know Act
5. Page E-2 – The scope of Attribute 3 states that some activities are more risk significant than others. As noted above, the entire emergency plan rule has no risk significance for fuel facilities so there is no basis for stating that certain provisions within the rule are risk significant. I recognize that these provisions are considered risk significant for reactors, but that doesn't make them risk significant at a fuel facility.
6. Page E-3 – Attribute 4(a) refers to a public warning system. There is no requirement in Parts 40 and 70 for a public warning system. Please delete the erroneous information.
7. (Editorial) Page 10 – The description of the Public Radiation Safety Cornerstone states activities that could involve inadvertent exposure to the public include routine effluents, treatment and storage of contaminated materials and routine transportation. Public exposure from a routine activity isn't an inadvertent exposure. Routine activities are intentional and the exposures are legal if they stay within the public dose limits. NOTE: This error is repeated in the first paragraph of Appendix D also.