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DOCKET NUMBER
PROPOSED RULE **DR 50**
(68FR 43673)

October 7, 2003
NL-03-157
JPN-03-026
ENO Ltr. 2.03.119
BVY 03-93

DOCKETED
USNRC

October 8, 2003 (7:29AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemaking and Adjudications Branch

SUBJECT: Comments on Emergency Planning and Preparedness for Production and Utilization Facilities, Proposed Rule

- Reference:
1. Federal Register, Volume 68, July 24, 2003, pp. 43673-43681
 2. A. Nelson (Nuclear Energy Institute) letter to USNRC Secretary, dated October 2, 2003 regarding the same subject.

Dear Sir:

Entergy Nuclear Operations, Inc. (ENO), as operator of the Pilgrim Nuclear Power Station, the James A. FitzPatrick Nuclear Plant, the Vermont Yankee Power Station and the Indian Point Units 2 and 3 Nuclear Power Plants, takes this opportunity to comment on the proposed rule to amend the current regulations as they relate to NRC approval of licensee changes to Emergency Action Levels (EALs) and exercise requirements for co-located licensees, as published for public comment in the July 24, 2003 Federal Register (Reference 1).

ENO supports and endorses both of the changes to 10 CFR Part 50 proposed by the NRC. The first change resolves an apparent inconsistency in 10 CFR 50.54(q) and allows licensees to update their EALs, while ensuring an adequate level of regulatory oversight. The second change provides the functional equivalent of a biennial exercise where multiple nuclear power plants, each licensed to a different licensee, are co-located at the same site. Both of these changes are clear improvements to the rule. They reflect twenty years of experience with emergency preparedness exercises and the EAL change process.

Entergy also supports the comments submitted by the Nuclear Energy Institute (NEI) submitted on behalf of the nuclear industry (Reference 2).

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While ENO supports the promulgation of the proposed changes to 10 CFR Part 50, we do have two comments regarding the July 24, 2002 Federal Register notice.

Example Of Emergency Preparedness Training For Two Co-Located Licensees

There is a possible ambiguity in *Table 1 — Example Of Emergency Preparedness Training For Two (2) Co-Located Licensees*, page 43676. The table, as well as the text of the proposed changes, does not indicate that in those years when a licensee participates in a full-participation exercise that licensee also participates in activities and interactions (A&I) with offsite response organizations. The result of this ambiguity could be an interpretation that only the non-participating licensee has any responsibility for A&I during an exercise year. The wording of the text and the table should be clarified.

List of Activities and Interactions

The list of activities and interactions (A&I) in the Notice contains requirements that may not apply to sites other than the James A. FitzPatrick and Nine Mile Point site, currently the only site with two power plants licensed to two separate licensees.

For instance, the last recommended interaction is "Licensee provides use of weapons firing range to local and state law enforcement (Sheriff, State Police)." While this interaction may have been negotiated as part of a support agreement for offsite response agencies at one site, it may not be appropriate at other sites. NRC intends to issue guidance on acceptable emergency planning activities and interactions through modifications to Regulatory Guide (RG) 1.101, "Emergency Planning and Preparedness for Nuclear Power Reactors." However, its inclusion in RG 1.101 could be interpreted as a requirement for a weapons range to be provided by all licensees.

As stated on page 43675 of the notice,

"... the Commission understands that future nuclear power plant licensing concepts currently being considered by the industry include siting multiple nuclear power plants on a single site. These plants may be owned and/or operated by different licensees. Therefore, ... this rulemaking is necessary to ... clearly specify the emergency preparedness training obligations of colocated licensees."


The inclusion of the proposed changes to RG 1.101 would be confusing and burdensome and would not provide additional benefit to the protection of public health and safety.

The language of any modifications to RG 1.101, or to Appendix E itself, should be generalized to allow for activities and interactions that are necessary and appropriate at all sites. Such guidance should include all the major areas in which support and training assistance may be appropriate without mandating specific training programs or activities. Those details should be negotiated between the licensees and offsite response organizations at each site.

ENO appreciates the opportunity to comment on this proposed rule.

There are no new commitments made in this letter. If you have any questions, please contact Ms. Charlene Faison at 914-272-3378.

Very truly yours,



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cc:

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