

NRCREP - Request for Comment: NUREG-0800 Section 13.3 "Emergency Planning"

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Subject: Request for Comment: NUREG-0800 Section 13.3 "Emergency Planning"
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Chief, Rulemaking, Directive, and Editing Branch
U.S. Nuclear Regulatory Commission
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On behalf of the nuclear industry, the Nuclear Energy Institute (NEI) is pleased to submit the following response to The Federal Register, dated September 29, 2006, Volume 71, Number 189 which invited written comments on Section 13.3, Second Draft Revision 3, "Emergency Planning" of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, LWR Edition".

Please find attached to this Email, the transmittal cover letter and attached comments.

We appreciate the opportunity to comment on the draft document. If you have any questions regarding this effort please contact Marty Hug by e-mail (mth@nei.org) or phone (202-739-8129).

For Alan Nelson
Martin Hug
NEI

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NUCLEAR ENERGY INSTITUTE

Alan P. Nelson
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November 9, 2006

Chief, Rulemaking, Directive, and Editing Branch
U.S. Nuclear Regulatory Commission
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Washington, DC 20555-0001

Project 689

SUBJECT: NUREG-0800 Section 13.3 "Emergency Planning"
Request for Comment

On behalf of the nuclear industry, the Nuclear Energy Institute (NEI)¹ is pleased to submit the following response to The Federal Register, dated September 29, 2006, Volume 71, Number 189 which invited written comments on Section 13.3, Second Draft Revision 3, "Emergency Planning" of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, LWR Edition".

The New Plant Emergency Preparedness Task Force has identified the following significant concerns:

- Application for a new reactor at an existing site should not open the existing site emergency plan for review. The new plan should stand on its own unless the planning standard is interlinked and common to both existing reactor and new reactor.
- The SRP should not expand on the base set of Generic Emergency Planning Inspections, Tests, Analysis, and Acceptance Criteria as provided in SECY-05-0197.
- The use of the term "generic communications" is inconsistent with requirements in proposed Part 52.79(a)(37) which limits this scope to bulletins and generic letters.
- There is no regulatory basis or precedent requiring the submittal of offsite implementing procedures. Offsite implementing procedures historically are evaluated as part of the biennial exercise.
- There is a concern regarding the absence of DHS/FEMA/REP, planning references and limited offsite emergency response plan related review criteria.

¹ NEI is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

Chief, Rulemaking, Directive, and Editing Branch

November 9, 2006

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Attachment 1 provides specific comments and recommendations. Attachment 2 discusses the use and application of Generic Emergency Planning Inspections, Tests, Analysis, and Acceptance Criteria as provided in SECY-05-0197.

We appreciate the opportunity to comment on the draft document. Once you have had an opportunity to review the attached recommendations, we would like to schedule a meeting. If you have any questions regarding this effort please contact Marty Hug by e-mail mth@nei.org or phone 202-739-8129.

Sincerely

A handwritten signature in cursive script, appearing to read "Alan Nelson".

Alan Nelson

cc: NRC Document Control Desk
Nader Mamish

Enclosures

Attachment 1

Comments on NUREG-0800 Section 13.3

| | Section | Page | Line | Numbered Paragraph | Comment and Recommended Actions |
|---|---------|--------|------|--------------------|--|
| 1 | I | 13.3-1 | 17 | | 10 CFR 73.1 should be addressed in the Security Plan not the Emergency Plan. Remove requirement. |
| 2 | I | 13.3-2 | 2 | | <p>The guidance provided in the NUREG-0800 and NUREG-6863 regarding the Evacuation Time Estimate (ETE) and the consideration that is given to the construction force does not provide sufficient detail. The ETE guidance should provide clear direction to the reviewer (and subsequently) to the applicant regarding the scope. For example, the statement provided in the NUREG-0800 does not clearly establish the need to address the construction workforce that could be years down the road, but the inclusion of that number of personnel could skew the results of the ETE significantly and therefore, alter the proper Protective Action Recommendations for the personnel in the EPZ.</p> <p>There is a lack of guidance in the document regarding what is expected to support maintaining the size and shape of the Emergency Planning Zone and what factors must be taken into account to ensure that the reviewer has all the pertinent information to make a determination that the EPZ is adequate to support the building and operation of an additional Unit(s) on a particular site. Provide additional guidance.</p> |
| 3 | I | 13.3-2 | 27 | | <p>Line 27 states, "<i>The review addresses such areas as a habitable technical support center (TSC) with adequate space, data retrieval capabilities and dedicated communications equipment, and an operational support center (OSC) with adequate communications.</i>" This statement assumes that the TSC will be "within a two minute walk to the Control Room." Technology advancements in onsite communications do not support this review criterion. The industry plant development teams are recommending a single stand alone TSC.</p> <p>The guidance should be revised to allow for a TSC that is not within 2 minutes of the control room.</p> |
| 4 | I | 13.3-2 | 36 | | Change 10 CFR 52.80 to 10 CFR 52.81 |
| 5 | I | 13.3-3 | 27 | | Paragraphs 4 and 5 state that NRC consults DHS's review of offsite plans and preparedness. However no guidance is provided in the SRP as to the extent of the review by FEMA. Provide guidance. |
| 6 | I | 13.3-3 | 29 | 4 | Editorial Comment – Change DHS back to FEMA. DHS |

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Comments on NUREG-0800 Section 13.3

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| | | | | | is used in a number of places in document. |
| 7 | II | 13.3-5 | 3 | | Editorial Comment: Under section II. Acceptance Criteria, the "lettering" begins with L, M, N... This should be A, B, C... |
| 8 | II | 13.3-6 | 7 | | Editorial Comment: Under Regulatory Guidance, numbering should start with 1 and 2, rather than 12 and 13. |
| 9 | II | 13.3-7 | 1 | 3 | <p>Sentence states that the applicant should use NEI 99-01 Revision 4.</p> <p>The SRP should reference that Revision 4's Security EALs were modified by Bulletin 2005-02 and the NEI white paper endorsed in RIS 2006-12. Also recognize that Revision 5 is in process and will be updated and include Security EALs.</p> |
| 10 | II | 13.3-7 | 16 | 3 | "Emergency actions" should be changed to "emergency action levels." |
| 11 | II | 13.3-7 | 18 | 3 | Change "emergency plan" to "submittal." |
| 12 | II | 13.3-8 | 9 | 8 | Referring to multiple revisions of Reg. Guide 1.101 is confusing given the purpose of Reg. Guides to provide an acceptable method for compliance. The industry recommends revising RG 1.101 to accommodate all the acceptable methods rather than relying on 3 or 4 different versions. |
| 13 | II | 13.3-8 | 34 | 11 | The first sentence of paragraph 11 states "...application for an OL or COL <u>provide</u> an analysis..." Cited regulations do not require that Evacuation Time Estimate be submitted to the NRC as part of the COL application. Change <u>provide</u> to <u>perform</u> to make it clear that the ETE is not submitted with the COL. |
| 14 | II | 13.3-10 | 40 | 17 | Editorial Comment: NUREG 654 should be NUREG 0654 |
| 15 | II | 13.3-14 | 18 | 29 | NUREG 1022. Add "revision 2 as per reference #47." |
| 16 | III | 13.3-17 | 19 | 2 | Change "...separate document <u>identified as</u> ..." to "...separate document <u>referenced by</u>" |
| 17 | III | 13.3-18 | 8 | 4 | Last sentence of the paragraph refers to a review of recent NRC emergency planning and health physics reports. This should be removed since it has no basis as |

Attachment 1

Comments on NUREG-0800 Section 13.3

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| | | | | | part of a review for a new license application. |
| 18 | III | 13.3-18 | 29 | 6 | Editorial Comment: "Residences" should be "Residents" |
| 19 | III | 13.3-19 | 1 | 8 | <p>Make following revision to the first and second sentence – <i>"In general, if an applicant for an additional reactor at an operating reactor site, and the applicant proposes to incorporate and extend elements of the existing emergency planning program to the new reactor (included by reference), these existing elements should be considered acceptable and adequate. the reviewer should generally focus the review on the extension....."</i></p> <p>Application for a new reactor at an existing site should not open the existing site emergency plan for a review of commitments. The elements that are extended to the new plan should stand on their own, when possible unless the element is interlinked in such a way as the element is common to both existing reactor and new reactor.</p> |
| 20 | III | 13.3-20 | 5 | 10 | Insert into the third sentence <i>"The reviewer should identify any deficiencies, cite the regulatory basis, and use....."</i> |
| 21 | III | 13.3-20 | 19 | 11 | RAIs should include a reference citing the applicable requirements they are related to. This will help the applicant better understand the NRC staff's question/concern and allow the applicant to more effectively respond to the RAI. |
| 22 | III | 13.3-21 | 17 | 14 | The use of the term "generic communications" is inconsistent with requirements in proposed Part 52.79(a)(37) which limits this scope to bulletins and generic letters. Revise this section to be consistent with 52.79(a)(37) |
| 23 | III | 13.3-21 | 31 | 16 | Reporting requirements for safeguards events are covered by the standard emergency classification and action level scheme discussed in paragraph 3 on page 13.3-6. This paragraph does not introduce a new requirement. Paragraph 16 should be removed or reference page 13.3-6 paragraph 3.. |
| 24 | III | 13.3-21 | 31 | 17 | State the regulatory basis for this requirement. |
| 25 | III | 13.3-25 | 33 | 2 | The regulatory requirements for submitting implementing procedures are addressed in Part 50 and do not require submitting implementing procedures with the COL application. Site implementing procedures are also |

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Comments on NUREG-0800 Section 13.3

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| | | | | | addressed under ITAAC 15.1. State/local procedures are tested during the evaluated exercise. ITAAC 12.1.3 addresses this requirement. |
| 26 | III | 13.3-27 | 8 | 8 | The additional ITAAC in Table 13.3-1 ITAAC that are not ** & bolded text are inappropriate and should be deleted. <u>See ITAAC discussion in Attachment 2.</u> |
| 27 | IV | 13.3-32 | 11 | | Remove reference to 10 CFR 73.71. This should be a Security Plan reference. |
| 28 | IV | 13.3-33 | 4 | b | Paragraph should reference NUREG 0696 instead of RG 1.101. |
| 29 | IV | 13.3-33 | 10 | c | RG 1.101 does not reference NUREG-0696. Correct reference. |
| 30 | IV | 13.3-33 | 18 | d | RG 1.101 does not discuss habitability. Correct reference. |
| 31 | IV | 13.3-34 | 10 | | 10 CFR 73.1 should be addressed in the Security Plan not the Emergency Plan. |
| 32 | IV | 13.3-35 | 6 | | 10 CFR 73.1 should be addressed in the Security Plan not the Emergency Plan. |
| 33 | VI | 13.3-35 | 28 | | No references are provided FEMA documents that will be used to review the submittal. Provide references. |
| 34 | Table 13.3-1 | 13.3-46 | | | Add column headings to each table page. |
| 35 | Table 13.3-1 | 13.3-46 | 13 | Acceptance Criteria 4.1 | Revise sentence: The test would be performed using a <u>simulated</u> emergency. |
| 36 | Table 13.3-1 | 13.3-48 | 4 | Acceptance Criteria 7.1.2 | Editorial Comment: <i>"Advanced communications capabilities may be used to satisfy <u>in lieu</u> of the two minute travel time."</i> |
| 37 | Table 13.3-1 | 13.3-49 | 1 | Acceptance Criteria 7.1.6 | Revise sentence: <i>"The OSC is located onsite, separate from the control room and TSG."</i> |
| 38 | Table 13.3-1 | 13.3-53 | 7 | EP program element 9.1 | Numbering of elements below 9.1 is not correct. |
| 39 | Table 13.3-1 | 13.3-54 | 1 | E,T and A 10.1 to 10.4 | Change test to inspection. |

Attachment 1

Comments on NUREG-0800 Section 13.3

| | Section | Page | Line | Numbered Paragraph | Comment and Recommended Actions |
|----|----------------|-------------|-------------|---------------------------|--|
| 40 | Table 13.3-1 | 13.3-56 | 1 | Acceptance Criteria 13.1 | Change test to inspection. |

Attachment 2

Comments on NUREG-0800 Section 13.3 - ITAAC

COL applicants are required to submit complete and integrated emergency plans with their applications. SECY-05-0197 documents the set of EP ITAAC established based on extensive stakeholder interactions that are to be submitted along with complete and integrated emergency plans consistent with Part 52 requirements. Part 52 also provides the option to submit complete and integrated emergency plans as part of an ESP application, and proposed Section 52.17(b)(3) requires EP ITAAC to also be provided under that option. The new requirement for EP ITAAC is based on the logic that the NRC staff needs the same information to approve complete and integrated emergency plans whether the plans are submitted at the ESP or COL stage.

Given this logic, the purpose of the additional (un-bold, un-starred) ITAAC in Table 13.3-1 is not clear. We expect that EP ITAAC for complete and integrated emergency plans to be the same (the ones identified in SECY-05-0197) whether the plans are submitted with an ESP application or COL application. In a public meeting on Oct. 21, the staff explained that the additional EP ITAAC were intended for use by an ESP applicant whose EP information is incomplete in one or more respects. This approach may provide valuable flexibility in some future, as yet unforeseen circumstance, and we do not object to retaining this option in the SRP. However, we recommend that the proposed additional (un-bold, un-starred) ITAAC not be identified in Table 13.3-1. It is not necessary to do so because such ITAAC can be developed on a case basis in the future. Moreover, removing them from the SRP will avoid confusion on the part of future industry and NRC staff regarding their regulatory status and purpose.

Apart from these general concerns, there are problems with the specific additional ITAAC proposed in the SRP for potential use by ESP applicants. Examples include:

- Proposed additional ITAAC 1.1 states “An inspection of implementing procedures or staffing rosters will be performed.” This ITAAC does not address a lack of information at ESP that will not also exist at the COL stage. Staffing rosters would not be available to submit with either ESP or COL applications. The need for an ITAAC in this area was considered in the development of SECY-05-0197 and was not determined to be necessary.
- Based on 10 CFR 50.47(b)(11), proposed additional ITAAC 10.0, Radiological Exposure Control, requires a test be performed of the capabilities for onsite radiation protection. The need for an ITAAC in this area was considered in the development of SECY-05-0197 and was not determined to be necessary. Onsite radiation protection capabilities will be demonstrated as part of the on-site exercise (EP ITAAC 12.1).
- Proposed additional ITAAC 8.6 reads, “The means exists for field monitoring within the plume exposure EPZ.” This capability is inherent in required (bold, starred) ITAAC 8.1 which states, “The means exist to provide initial and