

An Exelon Company
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

www.exeloncorp.com

Nuclear

Exelon Generation
4300 Winfield Road
Warrenville, IL 60555

7/24/07

72 FR 40347

5

RECEIVED

2007 OCT 25 PM 3:32

RULES AND DIRECTIVES
BRANCH
USNRC

October 15, 2007

Rulemaking, Directives, and Editing Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Response to Request for Comments Concerning Draft
Regulatory Guide DG-5021, "Managing the Safety/Security Interface"
(Federal Register Notice 72FR40348, dated July 24, 2007)

Exelon Generation Company, LLC (Exelon) and AmerGen Energy Company, LLC (AmerGen) are submitting this letter in response to a request from the Nuclear Regulatory Commission (NRC) for comments concerning Draft Regulatory Guide DG-5021, "Managing the Safety/Security Interface," published in the Federal Register (i.e., 72FR40348, dated July 24, 2007).

Exelon and AmerGen appreciate the opportunity to comment on DG-5021, and offer the following comments for consideration by the NRC. In addition, Exelon/AmerGen endorse the comments submitted by the Nuclear Energy Institute (NEI) on behalf of the industry in its letter dated September 25, 2007.

General Comment

Security protective strategy is based on identification and protection target sets containing equipment critical to achieving and maintaining safe shutdown of a plant. Exelon/AmerGen believe that permanent changes to plant systems, equipment, and configurations should be evaluated for impact on target sets and adjustments made to the protective strategy. Evaluating temporary changes to configurations required for maintenance would not likely have significant impact on target sets. Security personnel train to a contingency response that will provide the most effective protection of critical target set equipment with minimal reliance on communication. Frequent, minor adjustments would not likely improve contingency response significantly and may result in confusion, which could impact effectiveness. As the guidance DG-5012 indicates, processes are in place to ensure that safety and security are involved in permanent changes. Routine security patrols monitor, report, and address temporary changes that may impact response effectiveness.

SOVSI Review Complete
Template = ADM-013

E-RIDS = ADM-03
Add = P. Lee (PSL1)

Specific Comments

Introduction Section

- The second paragraph stipulates that licensees are required to “*coordinate and plan activities....*” The proposed §73.58 language uses the terms “assess” and “manage.” Exelon/AmerGen are requesting additional clarification or further description regarding the expectations relative to the term “coordinate.”

Background Section

- The last sentence in the first paragraph stipulates that licensees should already have management controls and processes in place to address safety/security interface. Given that these programs exist, Exelon/AmerGen question whether it necessary to add regulatory requirements. If §73.58 is included in the promulgation of the Final Rule, Exelon/AmerGen believe that this Regulatory Guide should list the controls and processes in place and state that they satisfy the requirements of the proposed regulation.
- The second paragraph implies that implementation of additional security actions required by the NRC Security Orders were managed through using existing processes. Exelon/AmerGen recommend that if there were “lessons learned” that require additional or new regulation, these lessons should be included in the Regulatory Guide.
- In the third paragraph, Exelon/AmerGen request further clarification concerning the phrase “*later changes in plant safety....*” In addition, with regard to the examples identified in the discussion under “adverse impact on security,” Exelon/AmerGen request further discussion on whether removing equipment from service for scheduled maintenance constitutes a change.
- The fourth paragraph appears to require a very extensive review process that may result in a substantial increase in administrative burden on plant and security management. The proposed discussion appears much more comprehensive than anything currently in place with respect to reviewing the impact of security on safety and vice versa. Exelon/AmerGen do not believe that this approach is consistent with the last sentence in the first paragraph of the Background section, which stipulates that licensees already have management controls in place to address safety/security interface.

Section C. Regulatory Position

Section.2.2 – Identify and Evaluate Safety/Security Significance Changes

- Exelon/AmerGen recommend that this section include a definition of the word “change.” Existing programs focus primarily on permanent alterations, modifications, exchanges, or replacements. The section implies that any “change,”

whether permanent or temporary, is subject to a safety/security interface evaluation. If this is the intent, Exelon/AmerGen would consider that the existing programs referenced in Section B of DG-5021 would not likely apply to some of these changes.

Section 2.4.1 – Examples of Program Areas

- Exelon/AmerGen request clarification concerning what constitutes “*NRC-regulated activities*.” Is the safety/security interface assessment only required on changes that are derived from NRC-regulated activities?

Section 2.4.2 – Examples of Potential Safety/Security Interfaces

- The proposed wording suggests that a safety/security interface assessment is required for changes resulting from planned or emergent activities. The example provided in the third bullet does not appear to be a planned or emergent activity. Is the expectation that licensees will continually evaluate day-to-day activities for safety/security impacts?

Section 2.5 - Review of Changes in Plant Areas

- This section is focused on changes to plant areas. However, the first sentence discusses plant areas and structures, systems, and components (SSCs). This sentence also uses the term “*administrative changes*.” Exelon/AmerGen request addition clarification; specifically, it is recommended that the discussion include further explanation in defining “plant areas” and “administrative changes.”

Section 2.8 – Implementing Management Controls or Processes

- This section highlights the complexity of the issue associated with trying to implement a program or process if the scope goes beyond that covered by existing programs and processes (i.e., permanent changes). Exelon/AmerGen believe that this will be difficult to implement and recommend further discussion and clarification.

Section 2.10 – Screening Questions for Security

- This section appears to introduce new terminology. Specifically, the phrase “*all operational and physical plant changes*,” has not been previously described or defined in the scope of changes subject to evaluation for safety/security impacts. Therefore, Exelon/AmerGen request that this terminology be further defined and clarified.

Exelon/AmerGen recommend that this section include suitable guidance to clearly define the purpose of screening, and what licensees should do with the results of the screening. Further, Exelon/AmerGen suggest additional clarification and explanation regarding the questions that should be posed in a screening process. Absent this

clarification the inspection process may result in a different expectation. The second to last example question discusses "as-found conditions." These conditions may not be the result of either a planned or emergent activity, and therefore, may be beyond the scope identified in this draft Regulatory Guide.

Section 3.1 – Frequency of Reviews and Audits

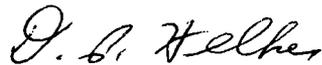
- The draft Regulatory Guide implies a 12-month frequency for the reviews while the last statement indicates that a 24-month frequency is allowed. The current practice is 24-month reviews for audits of the security program. Exelon/AmerGen recommend that the audit frequency for the safety/security interface should be the same (i.e., 24-months).

Section 3.2 – Reviews of Implementing Procedures

- Exelon/Amergen recommend that the guidance in DG-5021 be revised to read: "Procedures in place to control any changes to plant configuration including emergencies." Section B of DG-5021 indicates that licensees already have management controls and processes in place to address the safety/security interface. Exelon/AmerGen do not believe that new procedures are required.

If you have any questions or require additional information, please do not hesitate to contact Mr. Richard Gropp at 610-765-5557.

Respectfully,



David P. Helker
Manager - Licensing