

Rulemaking Comments

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**From:** WALTERS, Doug [djw@nei.org]  
**Sent:** Tuesday, May 13, 2008 8:08 AM  
**To:** Rulemaking Comments  
**Subject:** Comments on RIN-AG63  
**Attachments:** 05-12-08\_NRC\_Comments on RIN 3150-AG63 73 Federal Register 19443.pdf

Enclosed are comments on the subject supplemental proposed rule.

DOCKETED  
USNRC

Douglas J. Walters  
Senior Director - Operations Support

May 13, 2008 (9:00am)

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nuclear. clean air energy.

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NUCLEAR ENERGY INSTITUTE

Douglas J. Walters  
SENIOR DIRECTOR  
OPERATIONS SUPPORT  
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May 12, 2008

Secretary  
U.S. Nuclear Regulatory Commission,  
Washington, DC 20555-0001,  
ATTN: Rulemakings and Adjudications Staff.

**Subject:** Comments on RIN 3150-AG63, *"Power Reactor Security Requirements; Supplemental Proposed Rule"* 73 *Federal Register* 19443 (April 10, 2008)

**Project Number: 689**

The Nuclear Energy Institute<sup>1</sup> appreciates the opportunity to submit the enclosed comments on the subject supplemental proposed rule language dealing with licensee procedures for responding to notifications of potential aircraft threat and for the mitigation of the loss of large areas of their facilities due to fires or explosions.

We note in our comments that several sections of this supplemental rule are duplicated in the "Emergency Preparedness Draft Preliminary Rulemaking (EPDPR)" that was published in February, 2008. We believe promulgating requirements in two different rules is unnecessary and has the potential to cause problems and/or confusion. While we believe the duplicated requirements are better suited for the EPDPR, at a minimum, NRC needs to be mindful of the duplication and make clear in the EPDR that certain provisions are already addressed in the 50.54 (h)(h) rule.

NEI would welcome the opportunity to further discuss these comments and the best overall approach to rulemaking in this area.

Please contact me if you have any questions at (202) 739-8093; [djw@nei.org](mailto:djw@nei.org).

Sincerely,

A handwritten signature in black ink that reads "Douglas J. Walters". The signature is written in a cursive style.

Douglas J. Walters

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<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Enclosure

c: NRC Document Control Desk

**Industry Comments - Rulemaking 10 CFR Part 50.54(hh)**

<b>Federal Register/ Rule Section</b>	<b>Industry Comment</b>	<b>Recommended Action</b>
73FR19446 3 <sup>rd</sup> Column	<p>The Section-by-Section analysis, in the 3<sup>rd</sup> column, discusses the process for determining whether to evacuate site personnel or shelter them in place. It states:</p> <p style="padding-left: 40px;">Licensees would need to:</p> <ul style="list-style-type: none"> <li>· Determine how much time is necessary to evacuate their protected areas,</li> <li>· Validate the accuracy of that determination using no-notice drills, and</li> <li>· Incorporate the lessons learned from those drills into their site-specific procedures.</li> </ul> <p>These three statements are new expectations. The NRC did not require all licensees to perform these specific actions prior to implementation of the Security Order requirements. Further, suspension of security measures (50.54(x) declaration) would need to be considered when conducting no-notice protected area (PA) evacuations.</p>	The language in the Section-by-Section analysis should be revised to clarify to ensure the expectation is consistent with the Interim Compensatory Measures Order.
50.54 (hh)(1)(ii)	<p>This proposed regulation states that each licensee will have procedures in place to address if the licensee is notified of a potential aircraft threat. The specific area delineated in paragraph (ii) is "Maintenance of continuous communication with applicable entities." Depending on the duration of the pre-event period, this could potentially be a resource and task burden for site response organizations.</p>	We recommend rewording this provision to read: "Allow for periodic updates during the pre-event period as necessary to the applicable entities". This would allow the licensees to focus their efforts and resources toward taking protective actions.
50.54 (hh)(1)(iii)	<p>This section states that the licensee imminent threat procedure should address "Notification to all onsite personnel and applicable offsite response organizations."</p>	NRC should be mindful of the redundancy issues and provide clarifying language when the Emergency Planning regulations are revised to

**Industry Comments - Rulemaking 10 CFR Part 50.54(hh)**

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	<p>The requirements of this section are redundant with existing requirements in 10 CFR Part 50, Appendix E, Section D.</p>	<p>acknowledge those provisions already addressed in the imminent threat procedure.</p>
<p>50.54(hh)(1)(iv)</p>	<p>This section of the proposed rule states that the licensee imminent threat procedure should address "Onsite protective actions to enhance the capability of the facility to mitigate the consequences of an aircraft impact."</p> <p>The Emergency Preparedness Draft Preliminary Rulemaking will modify Paragraph I, "Onsite Protective Actions During Hostile Action Events" of Part 50, Appendix E to state that the range of protective actions developed for the plume exposure pathway EPZ for emergency workers must include <u>specific actions to protect onsite personnel during hostile action events.</u></p> <p>An aircraft threat is considered a hostile action therefore the provisions proposed for 10 CFR Part 50.54(hh)(iv) will be redundant with the revised Appendix E.</p>	<p>NRC should be mindful of the redundancy issues and provide clarifying language when the Emergency Planning regulations are revised to acknowledge those provisions already addressed in the imminent threat procedure.</p>
<p>50.54(hh)(1)(v)</p>	<p>This section states that the imminent threat procedure should address "Measures to reduce visual discrimination of the site relative to its surroundings or individual buildings within the protected area."</p> <p>It is our recollection determined during the initial B.5.b submittals that this measure was deemed too prohibitive for some licensees to implement. Following the initial NRC assessments and issuance of Safety Evaluation</p>	<p>Delete this requirement.</p>

**Industry Comments - Rulemaking 10 CFR Part 50.54(hh)**

<b>Federal Register/Rule Section</b>	<b>Industry Comment</b>	<b>Recommended Action</b>
	<p>Reports, it was agreed that this condition did not have to be part of the B.5.b commitments. Requiring licensees to implement after the fact requires a backfit analysis.</p>	
<p>50.54(hh)(1)(vi)</p>	<p>The proposed 10 CFR 50.54(hh)(1)(vi) seems to add new requirements and terminology. This paragraph states that implementing procedures contain provisions for "rapid reentry of onsite personnel and offsite responders." "Rapid reentry" is a new term introduced by this supplemental proposed rule. Additionally, it is not necessary for all personnel initially evacuated from the protected area or all offsite responders to rapidly reenter/enter the protected area.</p> <p>This section also discusses pre-staging and dispersal of equipment and personnel. The Emergency Preparedness Draft Preliminary Rulemaking proposes to add the following provisions (underlined text) to Part 50, Appendix E, Paragraph E. "Emergency Facilities and Equipment:"</p> <p style="padding-left: 40px;">A licensee onsite technical support center and a licensee emergency operations facility from which effective direction can be given and effective control can be exercised during an emergency; <u>and an alternate facility (or facilities) for use when onsite emergency facilities may not be safely accessed that is capable of performing the following functions: staging of onsite responders, event classification, offsite notifications, and</u></p>	<p>The proposed rule should clarify that the "rapid reentry" provisions apply only to personnel essential to mitigate the event.</p> <p>NRC should be mindful of the redundancy issues and provide clarifying language when the Emergency Planning regulations are revised to acknowledge those provisions already addressed in the imminent threat procedure.</p>

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<b>Federal Register/Rule Section</b>	<b>Industry Comment</b>	<b>Recommended Action</b>
	<p align="center"><u>repair team preparation.</u></p> <p>The provisions proposed for 10 CFR Part 50.54(hh)(1)(vi) will be redundant with the revised Appendix E.</p>	
50.54(hh)(2)(i)	<p>This Section discusses the need for licensees to have strategies for dealing with loss of large areas of the plant due to explosions and fires in a number of areas. The area delineated in Paragraph (i) is Fire fighting.</p> <p>The Emergency Preparedness Draft Preliminary Rulemaking proposes the following provisions (underlined text) to Part 50, Appendix E , Paragraph A.</p> <p>“Organization:”</p> <p align="center">“Identification of, and assistance expected from, appropriate State, local, and Federal agencies with responsibilities for coping with emergencies. <u>Before relying on offsite resources (e.g., local law enforcement, firefighting, medical assistance) licensees shall determine whether these resources have been assigned collateral duties in offsite emergency plans that would limit their availability to respond to the nuclear power plant site, including response to a hostile action event at the plant.</u>”</p> <p>The provisions proposed for 10 CFR Part 50.54(hh)(2)(i) will be redundant to the revised Appendix E.</p>	<p>NRC should be mindful of the redundancy issues and provide clarifying language when the Emergency Planning regulations are revised to acknowledge those provisions already addressed in the imminent threat procedure.</p>

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