



NUCLEAR ENERGY INSTITUTE

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July 24, 2009

Mr. Christopher G. Miller
Deputy Director for Emergency Preparedness
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: NEI 99-01, "Methodology for Development of Emergency Action Levels," Revision 5
Security Emergency Action Levels

Project Number: 689

Dear Mr. Miller:

The industry is required by regulation to implement 10CFR73.55 and 73.56 no later than March 31, 2010. This includes NRC endorsed NEI 03-12, "Template for Security Plan, Training & Qualification Plan". Security Emergency Action Levels (EALs) in NEI 99-01, "Methodology for Development of Emergency Action Levels," Revision 5, were revised to support NEI 03-12 implementation.

NEI 99-01, Revision 5, introduces Security EALs that differ from the Security EALs required by NRC Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security Based Events". In addition, NEI 03-12 utilizes terminology that is not applicable to NRC Bulletin 2005-02 such as "Security Condition."

The industry is seeking clear understanding of the regulatory process for revising and implementing Security EALs from NEI 99-01, Revision 5, to support licensees Security Plan implementation of NEI 03-12.

NEI performed a comparison (Enclosure 2 - 4) between Security EALs based on NRC Bulletin 2005-02 (NUREG 0654, NEI 99-01, Revision 4 and NUMARC/NESP 007) and Security EALs contained

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in NEI 99-01, Revision 5 and has drawn the conclusion that the intent of the Bulletin EALs are fully subsumed by NEI 99-01, Revision 5 EALs. Enclosure 1 provides a comparison of definitions used in NRC Bulletin 2005-02 and NEI 99-01, Revision 5.

This one-time review and endorsement by NRC for the use of NEI 99-01, Revision 5 EALs in support of NEI 03-12 implementation will reduce regulatory burden for licensees and NRC to make the necessary revisions to their EALs, without submission to the NRC for preapproval.

If you have any questions, please contact Martin Hug at (202) 739-8129; mth@nei.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Nelson", with a stylized flourish at the end.

Alan P. Nelson

Enclosures:

1. Definitions
2. NEI 99-01, Revision 4 Comparison to NEI 99-01, Revision 5
3. NUMARC/NESP-007 Comparison to NEI 99-01, Revision 5
4. NUREG 0654 Comparison to NEI 99-01, Revision 5

c: Mr. Kevin Williams, NRC