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United States Nuclear Regulatory Commission
Rulemaking and Directives Branch
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SUBJECT: Comments on Proposed Draft Regulatory Guide DG-1237 "Guidance on Making Changes to Emergency Response Plans for Nuclear Power Reactors" 74 FR 23220 (May 18, 2009)

Ladies and Gentlemen,

Progress Energy is pleased to submit for your consideration the enclosed comments on the subject draft regulatory guide.

Please contact Tony Pilo at (919) 546-2047 if you have any questions.

Sincerely,

Brian McCabe
Manager - Nuclear Regulatory Affairs

KMH
Enclosure

SUNSI Review Complete
Template = ADM-013

E-RIDS = ADM-03
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Enclosure

Rule Language/ ISG Section	Document information (“What it says”)	Line in / Line out (If known)	Basis / Comment
DG-1237, page 4 last bullet	The proposed rule language specifies that the license amendment process of 10 CFR 50.90, “Application for Amendment of License, Construction Permit, or Early Site Permit,” would be used in applying for prior Commission approval of those changes determined to be a reduction in effectiveness.		The requirement that reduction in effectiveness (RIE) changes be submitted as license amendment requests is unnecessary. Past issues relating to 50.54(q) that caused confusion were not at all related to the submittal process. The process of using 10 CFR 50.4 to obtain NRC approval has been effective. The confusion existed over definitions and examples of RIEs. Requiring that a license amendment be submitted under 10 CFR 50.90 unnecessarily burdens the process.
DG-1237, page 9 section 2, first sentence	The following emergency plan changes should be submitted to NRC for prior review...	The following emergency plan changes should shall be submitted to NRC for prior review...	The word “should” means there is flexibility on submitting. The word “shall” removes this uncertainty. If the intent is not all changes to the emergency plan listed in section 2 need NRC prior review then “should” is acceptable and examples of what would not be required for prior review would aid the licensee.
DG-1237, page 9 section 2.b	Changes to the staffing of the ERO that eliminate a key position ¹ or reduce the licensee’s capability to staff those position on a 24/7 basis consistent	Changes to the staffing of the ERO that eliminate a key position ¹ or reduce the licensee’s capability to staff those	Expand reference from 10CFR26.4(a)(2) and (c) to include other NUREG-0654 Table B-1 functions such as fire brigade and security, also under the fitness-for-duty requirements.

Rule Language/ ISG Section	Document information (“What it says”)	Line in / Line out (If known)	Basis / Comment
DG-1237, page 9 section 2.f	<p>with fitness-for-duty requirements (see 10CFR26.4(a)(2) and (c))</p> <p>Updates to evacuation time estimates pursuant to 10CFR50.47(b)(10).</p>	<p>position on a 24/7 basis consistent with fitness-for-duty requirements (see 10CFR26.4(a)(2 1-5) and (c))</p>	<p>Delete requirement. Submittal of ETEs should not be a part of the 50.54(q) process. The ETEs are stating factual information regarding population and infrastructure. Changes to an ETE Report are reviewed by licensees and their Offsite Response Organizations for impact to existing plans and procedures for evacuation or other protective measures needed for the public. ETE Reports are factual information of the Emergency Planning Zone and therefore not applicable to 50.54(q) for a “reduction in effectiveness”.</p>
DG-1237, page 9	<p>This section provides a list of changes that should be submitted to the NRC for review and approval regardless of the reduction in effectiveness determination.</p>	<p>Add the following item:</p> <p>g. Revision to the Emergency Action Level scheme as specified in 10 CFR 50 Appendix E, Section IV.B.2</p>	<p>This should be added for completeness in the guidance.</p>