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October 19, 2009

Michael T. Lesar, Chief
Rulemaking and Directives Branch
Office of Administration
Mail Stop TWB-05-B01M
United States Nuclear Regulatory Commission
Washington, DC 20555–0001

SUBJECT: Comments on Proposed Interim Staff Guidance (ISG) NSIR/DPR–ISG–01, "Emergency Planning for Nuclear Power Plants." 74 FR 23221 (May 18, 2009)

Dear Mr. Lesar,

Progress Energy is pleased to submit for your consideration the enclosed comments on the subject interim staff guidance.

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
NSIR/DPR-ISG-01 page 9, section IV.C	Overall Comments on the "Assignment of Multiple Functions to On-Shift Personnel"		The topic and issues described in this element are important, but the proposed rulemaking does not provide adequate credit for the use of utility's corrective action programs and the NRC's regulatory process. The ISG provided two examples where licensees assigned additional duties and the allowance of flexibility resulted in the inadequate completion of emergency functions. While there have been problems identified, those licensees have implemented corrective actions to prevent recurrence. Those actions may have included removing other responsibilities from key responders based on the site-specific plans. Some actions may have also included supplementing shift personnel. Also, the Rule and ISG state there have been instances where licensees have decreased the effectiveness of their plans due to staffing changes. The regulatory process was applied appropriately to those instances without the need to further address this topic in proposed rulemaking. Any emergency will likely result in a "heavy workload" for certain disciplines during specific phases of an emergency. Adding staff to

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			reduce potential heavy workloads that may only exist for a fraction of the duration of an emergency is not necessary. Three decades of drills, exercises, and actual events have also allowed for sites to demonstrate shift capabilities during multiple events. Problems identified with response have been addressed in the corrective action programs or in the regulatory process. If poor performance related to shift staffing in actual events involved a majority, or even a significant number of sites, the proposed rule for shift staffing would be necessary. However, this is not the case.
NSIR/DPR-ISG-01 page 13, section IV.C second bullet	Perform a detailed analysis, such as a job/task analysis (JTA) or time-motion study, for this spectrum of accidents to identify the emergency response actions that on-shift personnel must perform during the first 30 minutes of the event (or until augmenting ERO staff arrives).		There must be more information included regarding the expectations of the JTAs and time-motion studies to ensure a consistent application across the industry. This analysis will receive much regulatory scrutiny and will be left up to individual inspector opinion and desires resulting in conflicting approaches from site to site and Region to Region.
NSIR/DPR-ISG-01 page 15, section (1)	An EOF located more than 30 miles from the		No specific distance boundaries are provided for the alternative facility except

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second paragraph	site entrance would be too far away to be used as an alternative facility, and licensees should identify an alternative facility that is close to the site.		less than 30 miles. Therefore, the assumption is a licensee can have an alternative facility located 29 miles from the site. If this is not the intent, specific distance boundaries should be identified in guidance documents or regulation.
NSIR/DPR-ISG-01 page 22, section IV.G	Challenging Drills and Exercises		Overall comment on the element: It is agreed that exercising the Hostile Action Based (HAB) drill elements are very important for emergency preparedness due to the different challenges associated with an event of that type. The Hostile Action based element should be one that is tested on a prescribed frequency. This element however, should be allowed to be tested or demonstrated outside of the evaluated biennial exercise cycle as other required elements are (i.e. after hours exercises, etc). Testing of that element during an evaluated exercise is not necessary and further results in the negative training that the industry and regulators have been discussing for several years. Licensees and Offsite Response Organizations (OROs) have demonstrated their willingness to voluntarily exercise this element as part of the HAB drill process over the last three years. The testing of

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			the HAB element can still be conducted within the 8 year period, but would be better suited to be completed outside of the evaluation cycle. It would also be exceedingly difficult to maintain confidentiality while developing and planning for a HAB scenario during the biennial exercise process due to the varying agencies involved. The lower profile drills outside of the evaluated exercise cycle would be more conducive to confidentiality. After years of "worse case" scenarios and stepping through emergency classifications to a General Emergency, the HAB drill will result in similar negative training and perception that has hindered ORO decision-making in actual, much less serious events (local schools being evacuated at an Unusual Event, etc). Licensees and ORO can effectively test and exercise the HAB element to prevent the need for covering extremely unlikely events during post exercise public meetings and critiques. Adding yet another very unlikely scenario to the exercise cycle, is contradictory to the effort to develop more realistic and varied scenarios. The Rulemaking should consider re-

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			aligning the evaluated exercise cycle to triennial versus biennial. The maturity of the programs as well as the construction of new plants, will unnecessarily tax the OROs requiring them to participate in many more exercises than necessary. This is an opportunity to better manage evaluation resources for the industry for the decades going forward.
NSIR/DPR-ISG-01 page 23, section IV.G last paragraph	However, existing NRC regulations do not specify the content of drill and exercise scenarios or directly allow the staff to require specific scenario content. A regulatory change would be necessary to require enhancement of scenario content.		Disagree with the statement, that a "regulatory change would be necessary to require enhancement of scenario content." Licensees have voluntarily demonstrated willingness to incorporate industry and regulatory guidance in many facets of the emergency preparedness programs. The level of prescriptive detail in the proposed rule is not necessary and, in many ways does not adequately address the predictability of the scenarios. With knowledge of the previous two scenarios, ORO and site EROs could then begin to predict a rapid escalation scenario to a higher classification, a hostile action scenario, etc. Licensees are capable of addressing variations of scenarios by using guidance versus rulemaking.

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NSIR/DPR-ISG-01 page 24, section IV.G second paragraph	Although a licensee may conduct three or four drills each year, this allows only one drill for each team. To maintain key skills for every team, drill scenarios must contain most of the elements that would be expected in an inspected biennial exercise. The need for licensees to perform well in biennial exercises drives the development of drill scenarios that emulate biennial exercise scenarios. OROs may also participate to varying degrees in drills and an off-year exercise. This situation results in elements of typical biennial exercise scenarios being reflected throughout the drill program and providing the same negative training as found in the biennial exercise.		The blanket statements in this section do not reflect the practices at many sites that have developed and conducted drills and exercises for decades. The stated actions do not apply to the industry but to select sites. Many sites conduct drills that do not emulate biennial exercise scenarios by purposely using more realistic scenarios that differ greatly than evaluated exercises. The statement that drill programs "providing the same negative training as found in the biennial exercise" does not apply to much of the industry. While this may be occurring in some parts of the industry, to apply a broad brush statement as the reason for the need of rulemaking results in unnecessary rule changes.

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NSIR/DPR-ISG-01 page 24, section IV.G last paragraph	Typical scenarios used by licensees in biennial exercises utilize simulated accidents, such as loss of coolant and steam generator tube rupture accidents. However, predictable elements emerge in almost all biennial exercise scenarios, and include one or more of the following: • There will be a large radiological release, often resulting in the need for public dose-based protective actions beyond 5 miles. • The initial plant conditions for the exercise will often suggest the scenario outcome. • The ERO will not be allowed to mitigate the accident before a release occurs.		Many of the elements listed are currently required to satisfy FEMA requirements and expectations to adequately demonstrate offsite preparedness. Some of these statements are broad and again, do not apply to a majority of the industry. There are many exercise scenarios that have releases prior to General Emergency declaration. Wind direction is varied and not typically directed towards major populations and is not always terminated before the end of the exercise. Regarding the statement about initial PARs. Initial PARs should be primarily based on plant conditions as a primary source of PAR information. It is well known that there are several uncertainties associated with radiological assessment in the early/plume phase of an event. Plant conditions should be the initial/primary driver of PARs and be supplemented by radiological assessment.

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	• The release will occur after a General Emergency is declared. • Initial PARs will be developed on the basis of plant conditions rather than an assessment of radiological conditions. • The release will be directed toward the major population centers and terminated before the exercise ends. • The exercise will escalate sequentially through the emergency classification levels. • ...		
NSIR/DPR-ISG-01 page 28, N.1.c	...Drills or exercise should be conducted under various weather conditions.		Drills and exercises do not need to be performed under various weather conditions. Emergency Action Level conditions can be simulated and responsibilities carried out for events such as seismic and hurricanes effectively under normal conditions. The Emergency Response Organization functions and procedures are the same. In addition, traveling or drilling during actual adverse

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	Some drills or exercises should be unannounced.		weather conditions creates unneeded safety concerns for the participants. OSHA reportable injuries have been recorded by licensees conducting this type of drill in the past. Clarification of requirement is needed. "Some" is ambiguous and should be quantified or requirement deleted.
NSIR/DPR-ISG-01 page 30, third paragraph	The NRC staff would review and approve all biennial exercise scenarios. Scenarios should be submitted at least 60 days prior to the exercise date.		Requiring formal NRC approval for scenarios should be reconsidered. Logistically, the submittal of the scenario to the NRC for approval while, at the same time FEMA is reviewing, will likely lead to many delays on developing the final product. Responding to NRC comments could conflict with FEMA comments and vice versa. Exercise scenarios have been successfully developed and conducted for many years. The normal regulatory inspection process should be used to identify those scenarios that do not meet requirements. Those sites who have had adverse comments on their scenarios will have addressed those within their corrective action program. Rulemaking requiring approval is adding unnecessary administrative burden to the process.
NSIR/DPR-ISG-01	....In such cases, the		In cases where the licensee is acting on

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page 43 section IV.J, Background and Discussion	licensee is acting on behalf of the State or local governments.		the behalf of the State or local governments regarding the ANS the licensee and FEMA should be able to correspond directly while keeping the State informed. Text should be added to allow this flexibility while still ensuring the State or local governments are included in the decisions and results.
NSIR/DPR-ISG-01 page 46 bullet a)	The minimum acceptable design objectives for coverage by the system are: a) Capability for providing both an alert signal and an informational or instructional message to the population ...		The section is referring to the Alert and Notification System which is primarily siren based for licensees. Not all licensee sirens have the capability to provide both an alert and message. The public is informed to turn on a local television or radio station when the sirens sound. Wording should be added to clarify that the actual ANS tool need not provide both but the process provide for alerting and having an instructional message.
NSIR/DPR-ISG-01 page 46-47 section IV.J	Backup alerting procedures that would be implemented in multiple stages should be structured in a manner in which the population closest to the plant, e.g., within 2 miles, is alerted first and then the alerting process is expanded to populations farther away	Backup alerting procedures that would be implemented in multiple stages should be structured in a manner in which the population closest to the plant, e.g., within 2 miles, is alerted first and then	Delete the reference to "keyhole", not all offsite response organizations or licensees use the keyhole model. The example is still adequate with the reference to keyhole deleted and will not introduce uncertainty to the need to convert to a keyhole type of evacuation for offsite response organizations and licensee.

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	and downwind from any potential radiological release, e.g., 2 to 5 mile portion of keyhole, then downwind 5 to 10 miles and finally to the remaining population if it is so directed by authorities.	the alerting process is expanded to populations farther away and downwind from any potential radiological release, e.g., 2 to 5 mile ~~portion of keyhole~~, then downwind 5 to 10 miles and finally to the remaining population if it is so directed by authorities.	