



NUCLEAR ENERGY INSTITUTE

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July 9, 2010

Ms. Cynthia K. Bladey  
Chief, Rules, Announcements, and Directives Branch  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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**Subject:** Industry Comments on Draft Guide 3039, "Standard Format and Content Guide for Emergency Plans for Fuel Cycle and Materials Licensees" (Docket ID NRC 2010-0181)

**Project Number: 689**

Dear Ms. Bladey:

On behalf of industry, the Nuclear Energy Institute (NEI)<sup>1</sup> submits the following specific comments for the NRC staff's consideration as it finalizes the subject draft regulatory guidance document. Thank you for the opportunity to comment on it.

Section 7.3 Drills and Exercises - This section states: "*Scenarios should be developed for the accidents postulated in the plan including hostile-action based events.*" This section does not clearly state the periodicity for these hostile-action based exercises.

Additional text under Section B, Format, "Detailed information concerning the detection and response to an emergency could be useful to an adversary. Therefore, emergency plans should be marked as security-related information to be withheld under 10 CFR 2.390. Each applicant should note that a general description of the emergency preparedness program which can be released to the public may be required to establish a public record of how the applicant complies with the regulations discussed in this guide."

<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.

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Add = K. Ramsey (KMR)  
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This new criterion would require that the emergency plan be reviewed by security officials for the purpose of marking it as security-related. Should security officials determine that specific sections be withheld under 10 CFR 2.390, a general description emergency plan that is releasable to the public, will need to be developed. This provision is new and not required by regulation. It adds complexity to the document configuration control and maintenance process and inhibits free flow of information with offsite response agencies; therefore, we suggest deletion of this criterion. Also, specific guidance is needed to assist licensees in determining what portions of the emergency plan are security-related information and thus must be withheld from public disclosure.

If you have any questions regarding these comments, please feel free to contact me at 202-739-8098; [jrs@nei.org](mailto:jrs@nei.org).

Sincerely,



Janet R. Schlueter

c: Mr. Kevin M. Ramsey, NMSS/FCSS/FDLD/F, NRC