

# PUBLIC SUBMISSION

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**Docket:** NRC-2012-0098  
Draft Emergency Preparedness Frequently Asked Questions

**Comment On:** NRC-2012-0098-0001  
Draft Emergency Preparedness Frequently Asked Questions

**Document:** NRC-2012-0098-DRAFT-0003  
Comment on FR Doc # 2012-10313

*4/30/2012*  
*77 FR 25504*  
*(1)*

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RULES AND REGULATIONS DIVISION

## General Comment

On behalf of the industry, the Nuclear Energy Institute (NEI) appreciates the opportunity to submit the attached comments for NRC consideration.

## Attachments

NEI NRC FAQ Comments (5-30-12)

*SUNSI Review Complete*  
*Template = ADM-013*

*ERIDS = ADM-03*  
*Call = J. Anderson (JRA1)*  
*A. De Jesus (AED1)*

## Attachment 1 – NEI Comments on Emergency Preparedness Frequently Asked Questions

**FAQ Number: 2012-001**

### **Question or Comment**

When I submit a scenario to the NRC by 10 CFR 50.4, how do I ensure that the scenario won't be entered into ADAMS as a public document until at least after the conduct of the exercise?

### **NEI Comments**

NEI agrees with the NRC in that sufficient internal barriers exist to prevent the exercise scenario from being entered into ADAMS as a public document.

The NRC Response Section of the FAQ recommends that licensees include a cover page with wording similar to the following "This document's availability should be controlled as non-public to ensure confidentiality from exercise responders until the conduct of the exercise is conducted." Attachment 2 provides an exercise scenario submittal letter template. The template recommends use of this statement. NEI requests NRC feedback on the template.

NEI suggests the addition of a third paragraph in the NRC Response section to state:

Provisions of 10 CFR 2.390, public inspections, exemptions, requests for withholding, do NOT apply (i.e., requirements for marking every page and including an affidavit when requesting certain information be withheld).

## Attachment 1 – NEI Comments on Emergency Preparedness Frequently Asked Questions

### FAQ Number: 2012-002

#### Question or Comment

Why has the NRC added inspection criteria to the offsite emergency declaration Classification/Notification process?

#### NEI Comments

##### Comment 1

RG 1.219, Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors, dated November 2011, states in Section 3.2b.:

“During the development of the emergency preparedness cornerstone of the ROP, a group of emergency preparedness subject matter experts, including NRC staff and industry stakeholders, with input from the public, developed the emergency preparedness significance determination process (Ref. 11). During the development, the group determined that the planning standard language would not be sufficiently clear for use as a basis for significance determination and instead developed a series of planning standard functions. These planning standard functions are paraphrases of the planning standards in terms of the significant functions that need to be accomplished, or the capabilities that need to be in place, to maintain the effectiveness of the emergency plan and the emergency response capability.

As stated above, the planning standard functions clarify the planning standard language. It appears that the NRC unilaterally changed the planning standard function agreed upon by all stakeholders.

The pre-decisional version of RG 1.219, dated December 2010, states in Section 4.5b. (1):

Procedures for notification of State and local governmental agencies are capable of initiating notification within 15 minutes after declaration of an emergency.

The final version of RG 1.219, dated November 2011, states in Section 4.5b. (1):

Procedures for notification of State and local governmental agencies are capable of alerting them of the declared emergency within 15 minutes after declaration of an emergency and providing follow-up notifications.

NEI recommends that the FAQ provide a basis for this change in the planning standard function. It was not the intent of NRC staff and industry stakeholders during the development of the significance determination process to develop capabilities that need to be in place that were counter to regulation. The current FAQ just restates the current NRC regulatory position.

## Attachment 1 – NEI Comments on Emergency Preparedness Frequently Asked Questions

### Comment 2

NUREG 0654 criterion E.3 states:

These measures shall contain information about the class of the emergency, whether a release is taking place, potentially affected population and areas, and whether protective measures may be necessary.

A number of NRC inspectors have stated that they expect the licensee to have the capability of alerting off-site agencies of the declared emergency within 15 minutes after declaration of an emergency and also:

- Whether a release is taking place,
- Potentially affected population and areas,
- And whether protective measures may be necessary.

NEI request that NRC clarify that the above three additional criteria are not included in the 15 minute notification capability.

The second sentence in the second paragraph of the NRC Response Section adds to this confusion. The sentence states:

However, the capability would be evaluated based on the declaration being made with no undue delay, *which may or may not include completion of the notification form.*

NEI recommends the statement in the above sentence "*which may or may not include completion of the notification form*" be removed from the FAQ. The statement is not supported by the emergency preparedness function.

### Comment 3

NEI requests the NRC define the term "capable of alerting them of the declared emergency" in the context of a drill or exercise. If one of three notifications during an exercise fails to notify all agencies within 15 minutes of an emergency declaration, but the average time of all notifications was less than 15 minutes, does that mean the notification capability is degraded? NRC examples of degraded capability would be helpful.

## Attachment 1 – NEI Comments on Emergency Preparedness Frequently Asked Questions

### Comment 4

The second sentence of the first paragraph of the NRC Response Section causes confusion as to when classification and declaration are complete and when notification begins. NEI recommends removal of the second sentence which states:

“Additionally, the NRC added inspection guidance to clarify how notification timeliness should be assessed because a licensee’s process of declaring an emergency and notifying offsite response organizations of the declaration may overlap.”

The sentence should be removed because it conflicts the next sentence that states the 15 minute classification clock ends when the classification is made.

### Comment 5

In the first paragraph, the third sentence of the NRC Response Section ends “with no undue delay.” The term is also used in the second paragraph second sentence. NEI recommends the regulatory language of 10CFR50 Appendix E IV.C.2 be used as a basis for the third sentence. Appendix E states:

By June 20, 2012, nuclear power reactor licensees shall establish and maintain the capability to assess, classify, and declare an emergency condition within 15 minutes after the availability of indications to plant operators that an emergency action level has been exceeded and shall promptly declare the emergency condition as soon as possible following identification of the appropriate emergency classification level.

Using the regulatory language above as a basis, NEI recommends the following revision of the third sentence:

For the purposes of determining whether further assessment of a licensee’s capability to declare an emergency is necessary, the clock begins once indications are available to plant operators that an emergency action level has been exceeded and ends when the emergency classification level is identified and promptly declared.

## Attachment 1 – NEI Comments on Emergency Preparedness Frequently Asked Questions

**FAQ Number: 2012-003**

### **Question or Comment**

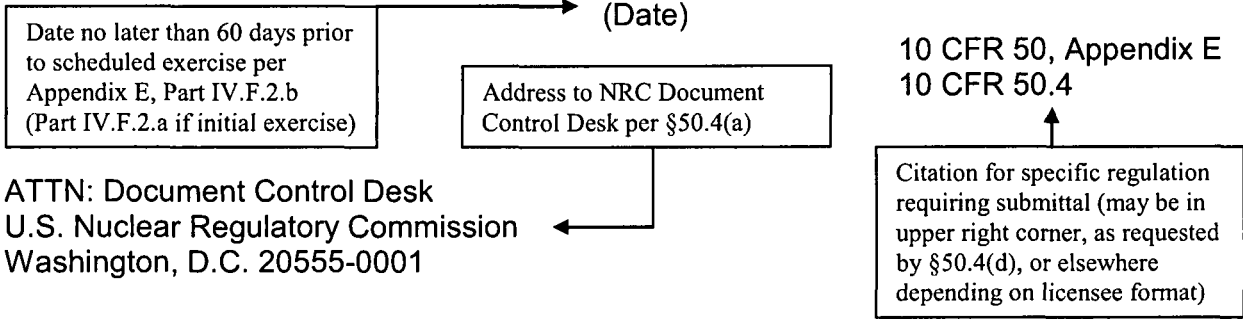
Clarify the acceptable means for documenting discussions between licensees and OROs on the development of mutually acceptable PAR logic using Supplement 3 to NUREG-0654/FEMA-REP-1.

### **NEI Comments**

NEI agrees that the five options provided in the NRC Response section of the FAQ appear reasonable.

By the third quarter, NEI will submit NEI 12-10, Rev 0, Guidelines for Developing a Licensee Protective Action Recommendation Procedure Using NUREG-0654 Supplement 3, for NRC comment under a separate letter. NEI 12-10 provides a PAR strategy development/evaluation tool and a template that may be used for documenting discussions between licensees and OROs related to the development of a strategy.

**Attachments 2 - Template for Exercise Scenario Submittal**  
(Letter format per licensee procedure)



**20XX BIENNIAL EMERGENCY EXERCISE**

Identify Docket No(s) / License No(s) per licensee format

Enclosed is the exercise scenario for \_\_\_\_\_ Power Station's [Month day, Year] Full-Participation Biennial Emergency Exercise.

This document's availability should be controlled as non-public when entered into the Agencywide Documents Access and Management System (ADAMS). Confidentiality of the scenario will be maintained until after completion of the exercise when a sensitive unclassified non-safeguards information (SUNSI) review (for purposes of making the document public) will be performed.

If you have any questions concerning this material, please contact \_\_\_ at (\_\_\_\_) \_\_\_\_\_.

Sincerely,

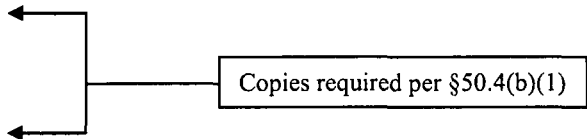
*Authorized signature*

Signatory per licensee procedure

Enclosure

Commitments made in this letter: None

cc: U.S. Nuclear Regulatory Commission  
Region \_\_\_\_\_  
  
NRC Senior Resident Inspector  
\_\_\_\_\_ Power Station



An enclosure cover page may be included with wording similar to the following: "This document's availability should be controlled as non-public to ensure confidentiality from exercise responders until the conduct of the exercise is concluded."  
- Reference Emergency Preparedness Frequently Asked Question 2012-001