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Susan Perkins-Grew
DIRECTOR
EMERGENCY PREPAREDNESS
NUCLEAR GENERATION DIVISION

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November 15, 2012

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

Subject: Comments on Emergency Preparedness Frequently Asked Question (EPFAQ) No. 2012-005
(Federal Register 77 FR 64562, dated October 22, 2012; Docket ID NRC-2012-0248)

Project Number: 689

Dear Ms. Bladey:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide comments on EPFAQ 2012-005 Draft Response (ML12289A692) published in the subject Federal Register notice.

The proposed implementation of NUREG-0654, Supplement 3 in 2013 presents a significant challenge to industry. The implementation date of December 2013 is more restrictive than the reasonable timeframe granted for the hostile action based regulation changes. The process of revising protective action strategies requires considerable coordination with offsite response organizations (OROs) and, as acknowledged in the draft FAQ response, will require revision of ORO procedures and training of decision-makers. As proposed, this effort will occur concurrently with the

¹ 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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implementation of two other rule issue areas that also require extensive coordination with OROs, procedure changes and training, yet, be implemented several months earlier. The two other issue areas are:

- licensee coordination with OROs during hostile actions (implementation by June 23, 2014) and,
- implementation of a hostile action scenario in a biennial exercise (implementation by December 31, 2015)

NEI recommends closer alignment of implementation dates for efforts that require ORO coordination to facilitate more efficient use of limited ORO and licensee resources to effect these changes.

To this end, NEI proposes an alternative implementation date of December 23, 2014, for NUREG-0654 Supplement 3 that would mollify the resource challenge and better align implementation of the revised protective action guidance with the rule change areas that require extensive coordination with OROs. NEI further recommends that demonstration of revised protective action procedures be accomplished in the first scheduled biennial exercise following the proposed December 23, 2014 implementation date.

Enclosed is a mark-up of the draft FAQ response with the proposed changes and additional detail for the basis of these recommendations.

Thank you in advance for consideration of these comments. If you have any questions or require additional information, please contact Martin Hug at (201) 739-8129; mth@nei.org.

Sincerely,



Susan Perkins-Grew

c: Mr. Mark Thaggard, NSIR/DPR/DDEP, NRC
Mr. Robert E. Kahler, NSIR/DPR/DDEP/IRIB, NRC
Mr. Robert J. Lewis, NSIR/DPR, NRC
NRC Document Control Desk

Markup of NRC EPFAQ 2012-005 Response

Markup of NRC Draft Response

Paragraph 4:

~~A licensee that implements revised PAR procedures in 2013, and has a scheduled exercise in 2013, may delay demonstration until the 2015 exercise, while a licensee that implements revised PAR procedures in 2013 with an exercise in 2014 should demonstrate full implementation during this exercise.~~

Licensees shall implement NUREG 0654, Supplement 3, Rev 1, by no later than December 23, 2014, and demonstrate implementation of revised PAR procedures in the next scheduled biennial exercise.

Paragraph 5:

~~Licensees that cannot implement the ETE-based strategy during the applicable biennial exercise may request an exemption from NRC. Also, the NRC finds acceptable the demonstration of the revised strategy during an exercise that is not expected to require a protective action recommendation.~~

Basis for Requesting the Above Implementation Date

NEI is proposing alternative implementation and demonstration dates that align with ORO and licensee coordination efforts required for hostile action event related rule change areas. The alternative dates would minimize or eliminate the need for exemptions allowed by the draft NRC response. Implementation of the Supplement 3 guidance and hostile event planning requirements require a similar level of coordination between licensees and OROs as well as a comparable level of effort to implement.

Extension of the implementation timeframe through 2014 allows for sufficient time to accomplish the following significant tasks associated with revising protective action strategies:

- *Development and approval of memoranda of agreement, emergency plan and procedure changes among the licensees and State and local agencies. Promulgated by guidance, approval of revised PAR procedures will not likely command immediate attention and priority by State and local executives.*
- *Revision of public information in advance of implementation of new public protective action strategies and distribution within an annual budgeted cycle,*

Finally, as a risk significant planning standard, adequate training of both licensee and ORO decision-makers is highly important. The alternative implementation date provides for the necessary integration of the new procedures into already established licensee training and drill schedules that compete for the same resources as refueling outages, licensed operator requalification, and demonstration of other required exercise elements. Dependent on the complexity of the changes for a given State or local agency, table top drills may be required to augment the training prior to demonstration in an evaluated exercise. The alternative implementation and demonstration dates are sufficient to allow adequate training and drills to take place.