

## RulemakingComments Resource

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**From:** Singal, Balwant  
**Sent:** Wednesday, June 05, 2013 3:54 PM  
**To:** Sloan, Scott; RulemakingComments Resource  
**Subject:** FW: STP Letter Supporting Petition for Rulemaking- Access Authorization 3rd Party Review Issue  
**Attachments:** 13003009 Petition support NEI Access Authorization.pdf

This e-mails was received directly from the licensee with a pdf copy of the letter. The licensee has also sent the letter to DCD via mail and should get added to ADAMS in 7-10 days.

Thanks.

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**From:** Puleo, Frederick [<mailto:fjpuleo@STPEGS.COM>]  
**Sent:** Wednesday, June 05, 2013 3:34 PM  
**To:** Savage, Robyn; Singal, Balwant; Bowman, Tim; Canady, Clyde; Chappell, Coley; Chris O'Hara; Coates, Ken; Cobb, David; Free, Robert; Gann, Catherine; Gutterman, Al; Head, Scott; Dixon, John; Keen, Charles; Kistler, Marilyn; Koehl, Dennis; Mallen, Frank; Meier, Michael; Mele, Cheryl; Thadani, Mohan; Mookhoek, William; Morris, James; Murray, Michael; Pena, Richard; Peter Nemeth; Pollo, Kevin; Powell, Tim; Ragan, John; Rencurrel, David; Richard Ratliff; Taplett, Kenneth; Towler, Deborah; Von Suskil, James; Walker, Timothy; Whitmer, Benjamin  
**Cc:** Reddix, Mason; Hall, Maudester (Woodard); Flaherty, Shawn; Fred Puleo  
**Subject:** STP Letter Supporting Petition for Rulemaking- Access Authorization 3rd Party Review Issue

Attached: STP Nuclear Operating Company's Comments in Support of NEI's Petition for Rulemaking to Amend 10 C.F.R. § 73.56, "Personnel access authorization requirements for nuclear power plants" (PRM-73-16) (Docket ID NRC-2013-0024).

If you have any questions regarding this letter, please contact me.

Fred Puleo  
STARS Regulatory Affairs  
361-972-8697 (O)  
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South Texas Project Electric Generating Station P.O. Box 289 Wadsworth, Texas 77483

June 5, 2013  
NOC-AE-13003009

Ms. Annette L. Vietti-Cook  
Secretary, U.S. Nuclear Regulatory Commission  
Attn: Rulemakings and Adjudications Staff  
Washington, D.C. 20555-0001

South Texas Project  
Units 1 and 2

STP Nuclear Operating Company's Comments in Support of NEI's Petition for Rulemaking to Amend  
10 C.F.R. § 73.56, "Personnel access authorization requirements for nuclear power plants"  
(PRM-73-16) (Docket ID NRC-2013-0024)

STP Nuclear Operating Company (STPNOC), as the NRC licensed operator of South Texas Project Units 1 & 2, submits these comments on the Petition for Rulemaking PRM-73-16 that was filed by the Nuclear Energy Institute (NEI) and published in the Federal Register on April 22, 2013. We request the NRC proceed with the rulemaking.

A bedrock principle of the Atomic Energy Act and the NRC's security regulations is that protection of the public health and safety is dependent on a stringent approach to site security, including limiting the persons who have access to the nuclear facility to those who have been appropriately screened and whose behavior continues to justify site access. Adoption of the proposed revisions to Part 73 would preserve this principle and also clarify that, *where third-party arbitral review of access decisions is provided for in a collective bargaining agreement*, such a review is available only to ensure access decisions are based on a full and accurate understanding of the relevant facts and that licensees have followed the processes established in their access programs.

STPNOC supports the principle that it is the licensee that must have the final say as to which individuals shall be given unescorted access to the licensee's nuclear facility. It is the licensee's facility and the licensee's responsibility to protect the public health and safety. It is also the licensee who will be responsible for the consequences of an adverse event arising out of an improper access authorization decision. No third party, save one with the governmental responsibility to assure the protection of the public health and safety, is in a position make the unescorted access determination. As discussed in the Petition, a third-party arbitrator, no matter how well intentioned, deciding on the appropriateness of the licensee's access authorization decision and the impartial, independent internal management review of that decision, has neither the access authorization background nor the responsibility to protect the public health and safety.

STI: 33705067

STPNOC submits that:

- (a) the existing, impartial, independent internal management review process for access denial or revocation decisions set forth in 10 CFR Part 73 is fully adequate to resolve challenges to those decisions;
- (b) the NRC should reaffirm that it is the licensee's responsibility to address those issues;
- (c) third-party arbitration of access denial or revocation decisions is not in the interest of public health and safety;
- (d) to the extent that the NRC chooses to move ahead with the Petition's proposal, we urge that the NRC make clear that (i) any additional, limited third party review is at the option of the licensee and is neither necessary for the public health and safety nor for the procedural rights of any affected individual, (ii) the new "limited review" is the exclusive scope of any third party review, and (iii) the third party reviewer's authority is limited to either affirming the decision or remanding the decision to the licensee for further consideration, so that the decision is always made by the licensee; and
- (e) the NRC should reaffirm and clarify, as necessary, that only a licensee can grant an individual unescorted access and that decision cannot be overturned by a third party reviewer.

We are committed to working with stakeholders to ensure that the regulations meet the objectives of maintaining a safe and secure site and providing a fair and credible access authorization process.

There are no commitments in this letter.

Thank you for your consideration. Please contact me at (361) 972-7566 or Mike Murray at (361) 972-8164 if you have questions or would like to discuss this matter further.

Sincerely,



G. T. Powell  
Site Vice President

cc:

(paper copy)

(electronic copy)

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