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Review and Submission of Updates to the Final Safety Analysis Reports, Emergency Preparedness Documents, and Fire Protection Documents

Comment On: NRC-2015-0226-0001

Review and Submission of Updates to the Final Safety Analysis Reports, Emergency Preparedness Documents, and Fire Protection Documents

Document: NRC-2015-0226-DRAFT-0003

Comment on FR Doc # 2015-24301

Submitter Information

Name: Bruce Montgomery

Address:

1201 F Street
Suite 1100
Washington, DC, 20004

Email: bsm@nei.org

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@FR 57884
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General Comment

Comments provided in the attached files.

Attachments

10-26-15_NRC_Industry Comments on RIS 2015-XX, Review and Submission of Updates to FSARs, EP Documents, and FP Documents

10-26-15_NRC_Industry Comments on RIS 2015-XX, Review and Submission of Updates to FSARs, EP Documents, and FP Documents_Attachment

SUNSI Review Complete
Template = ADM - 013
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Add= <i>m. Humphreys (m564)</i>

BRUCE MONTGOMERY

Senior Project Manager, Licensing

1201 F Street, NW, Suite 1100
Washington, DC 20004
P: 202.739.8128
bsm@nei.org
nei.org



October 26, 2015

Ms. Cindy K. Bladey
Office of Administration
Mail Stop: O12-H8
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Comments on Draft Regulatory Issue Summary 2015-XX, "Review and Submission of Updates to the Final Safety Analysis Reports, Emergency Preparedness Documents, and Fire Protection Documents" *80 Federal Register 57884*, [Docket ID NRC-2015-0226]

Project Number: 689

Dear Ms. Bladey:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ is providing comments on draft Regulatory Issue Summary (RIS) 2015-XX, "Review and Submission of Updates to the Final Safety Analysis Reports, Emergency Preparedness Documents, and Fire Protection Documents."

We appreciate the opportunity to comment on this draft RIS, which informs licensees of the discontinuance of the NRC's practice of presumptively withholding from public release Final Safety Analysis Reports (FSAR), Emergency Preparedness (EP) documents and Fire Protection (FP) related documents. The RIS reminds licensees that the NRC is required to withhold from public release physical protection information that may be contained in these documents and asks that licensees consider this when identifying the need to request information be withheld pursuant to 10 CFR 2.390 (d)(1) when making submittals. Finally, the draft RIS recommends an electronic format (CD or Electronic Information Exchange [EIE]) for voluntary submission of complete, updated FSARs to facilitate the release of these documents to the public.

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.

Ms. Cindy K. Bladey
October 26, 2015
Page 2

NEI is concerned that information contained in the RIS is not sufficient for licensees to understand what types of information in the subject documents, either alone or in the aggregate, would be considered by the NRC to be advantageous to a potential adversary. Without further definition or guidance, any industry requests to withhold information under 10 CFR 2.390 will vary significantly, leading to a loss of public confidence in our security programs.

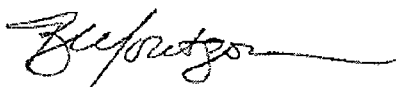
The RIS refers to NRC generic communications and policy documents that were put in place prior to the changes in physical protection that were instituted in recent years as the result of revisions to 10 CFR Part 73, "Physical Protection of Plants and Materials." These changes vastly improved the capability of commercial nuclear power plants to defend against a wide range of potential threats. The industry's view is that FSARs, emergency plans and most fire protection documents do not typically include any information that could be reasonably useful to a potential adversary, considering the current security posture of nuclear power plants. Moreover, the industry believes that much of the information in these documents is already openly available or could be reasonably inferred by the public from readily accessible public documents.

NEI recommends that the RIS be revised to include specific criteria and/or thresholds to define the attributes or level of information in these documents that should be considered security-related. The examples provided in the RIS describe various types of information but do not indicate why that information is considered sensitive.

The industry's comments are detailed further in the attachment to this letter.

If you have any questions or require additional information, please contact me.

Sincerely,



Bruce S. Montgomery

Attachment

c: Ms. Meena Khanna, NRR/DORL/LPL4-2
Mr. Carl F. Lyon, NRR/DORL/LPL4-1
NRC Document Control Desk

Industry Comments on Regulatory Issue Summary 2015-XX "Review and Submission of Updates to the Updated Final Safety Analysis Reports, Emergency Preparedness Documents, and Fire Protection Documents" [Docket ID NRC-2015-0226]

Comment #	Location	Comment/Basis	Recommendation
1	General	The RIS discusses "security-related" information as a concept but does not provide current guidance on the criteria to be used to define and identify it in terms that a document reviewer would find useful. The RIS provides no examples of FSAR-level information that should be treated as security-related, and the examples provided for EP security-related information are confusing. It is not evident that the examples share a common attribute regarding a security concern.	Provide a clearer definition of the term "security-related," with clearly linked examples of information in the UFSAR, FP and EP documents that NRC would expect to be withheld from public disclosure. Definitions that only include words like..."could be used to advantage by an adversary" are not helpful.
2	General	The RIS references earlier RIS's and a 2004 Commission requirements memorandum to communicate the general nature of the concern for making certain types of information publically available, but these documents are very general and do not help distinguish between non-security related information and security-related information in a manner that would guide reviews to be performed consistently by different reviewers. In addition, these documents are outdated in that they do not reflect the significant enhancements in physical security that has been implemented at nuclear power plants since 10 CFR Part 73 was revised in 2010. These enhancements effectively rendered moot any concerns about the usefulness to an adversary of information in the UFSAR related to plant features inside the protected area. As a result, industry does not believe information typically found in the UFSAR should be withheld from public disclosure. The	Clarify that the UFSAR does not typically contain any security-related information; alternately, provide clear examples of the types of information that NRC considers security-related, along with a basis.

Comment #	Location	Comment/Basis	Recommendation
		industry has made a practice of requesting NRC not disclose certain fire protection information describing plant areas that contribute to higher risk in fire scenarios. This information is located in separate fire protection submittals and we will continue this practice.	
3	Summary Of Issue, page 4-5	December 15 is not sufficient time for industry to perform reviews and submit complete copies of updated FSAR, EP, and FP documents.	Change the date for when complete copies of these documents should be submitted to NRC to June 1, 2016.
4	Page 4, second paragraph	In this paragraph the RIS discusses controls for Safeguards Information (SGI) and then comingles this with what appears to be a discussion of security-related examples related to hostile action planning documents. It is unclear whether NRC considers these examples as SGI or security-related, and what levels of controls should be applied.	Clarify the objective of this paragraph.
5	Page 5, top of page	<p>The RIS provides the following example of EP documentation that would be security-related:</p> <p>"...specific information that would compromise access to or activation/operation of normally secured emergency facilities/areas..."</p> <p>This example is not sufficiently specific to help a reviewer decide what information is security-related. Additionally, the use of the term "normally secured" is confusing.</p>	<p>Provide examples of the types of information NRC believes could be used to compromise access to or activation/operation of normally secured emergency facilities/areas.</p> <p>Define "normally secured" in the context of a typical emergency plan.</p>

Comment #	Location	Comment/Basis	Recommendation
6	Page 5, top of page	The RIS refers to information that could be used to compromise unsecured EP equipment as security-related. What is meant by "unsecured" in this case? For example, we would assume a siren is unsecured...what types of information does NRC believe could be used to compromise EP equipment, and would therefore need to be withheld?	Provide a definition of "unsecured" and provide examples of the types of information that should be withheld from public disclosure.
7	Page 5, last paragraph	The term "malevolent act" is used here. It is assumed the NRC means acts directed at plant vital areas and vital equipment and not EP facilities and equipment.	Clarify the applicability of the term "malevolent act."
8	Page 6, top paragraph	The NRC encourages licensees to submit complete updated copies of documents electronically. NEI is aware that many licensees experience significant difficulty submitting documents using the NRC's EIE system, due to the system's inability to accommodate some types of drawings and the strict resolution criteria EIE is designed to accept. Reformatting of documents by licensees to prevent documents from being rejected by EIE is resource intensive, with no commensurate improvement in the readability of the documents.	Consider changes to the NRC's Electronic Information Exchange (EIE) system to improve usability by licensees.