

From: [Gulla, Gerald](#)
To: [YOUNG, David](#)
Subject: Draft Revision to NEI 12-06
Date: Thursday, April 26, 2018 1:04:00 PM

David,

In an effort to maintain momentum on this FLEX “loaning resources” issue, and prevent any “surprises” during our upcoming public teleconference, I am sending you comments that I have received to date in regard to your letter to Ms. Louise Lund, Director, Division of Licensing Projects dated April 25, 2018, Subject: “NEI 12-06, Diverse and Flexible Coping Strategies (FLEX) Implementation Guide, Revision 5.” If you have any questions regarding these comments, please feel free to contact me.

1. The proposed guidance in the first item speaks to “deploy[ment] in the event of an actual declared emergency” without defining what is meant by that term. It seems to me that what they are discussing includes or is limited to the use of SAFER equipment in an actual BDBEE at an NPP, which is beyond the scope of what we are trying to accomplish in this action and will slow us down considerably. My inference is based on the inclusion in the second item of the possibility of acquisition of equipment to support a Federal or State declaration of an emergency as an additional reason why it could become unavailable. Whether or not we conclude that a 3-year restoration period is appropriate is a completely different question from whether we believe we can allow the use of equipment from one NSRC for a non-nuclear event and will require some staff consideration and potentially require an exemption from the Order requirements because it speaks to the complete non-availability of equipment for that period rather than a reduction in the amount of spare off-site equipment.
2. The issue we are interested in discussing is not truly covered in NEI 12-06, Section 12, but instead in the NEI White Paper on NSRC Operational Status dated September 11, 2014 as endorsed by our September 26, 2014 letter and staff assessment, both of which are attached. The reliance on two separate NSRCs with redundant equipment is described on page 4 of the white paper and evaluated in section 3.1 of the staff assessment. The change we are discussing is a modification to the strategy of maintaining two separate NSRCs for a limited period of time for the purpose of protecting public health and safety that is under threat from a non-nuclear-related threat that is not necessarily posing a threat to a licensed NPP, thus making it appropriate to accept a reduced availability of the NSRC equipment for very unlikely, but potential BDBEEs at licensed NPPs. In my opinion, the appropriate means to address this would be to add a discussion to the white paper giving a brief background on the potential perceived needs of the other governmental agencies/organizations (i.e., protect the health and safety of citizens from potential non-nuclear hazards) and how the nuclear industry plans to address them (balancing the need for protection against BDBEEs with the potential gains in protection of health and safety and temporarily reducing the sparing of SAFER equipment. (As an aside, this would provide NEI, SAFER, Entergy, and NextEra an opportunity to highlight the non-commercial value the nuclear industry is capable of providing in the context of a number of industry participants seeking other governmental support of NPPs based on their contributions to a stable electrical

infrastructure).

3. There should be some discussion of the type of emergency declaration for which the use of NSRC equipment would be ok. As it reads currently, the second item seems to indicate that all discretion lies with some Federal agency or State without consideration of the current situation with the equipment in two NSRCs being relied upon by the industry to meet the off-site resource requirements for FLEX.
4. The discussion of contractual prearrangements or cost commitments is outside of the scope of any guidance items that I believe we would have authority over. That would, of course, be a potentially fruitful area for discussions between NEI, SAFER, et al., and their local State governments or FEMA.
5. The item discussing the intention of the Addendum sounds odd. I'm not sure what it is supposed to do for us. BTW, there isn't anything that is labeled an Addendum. The note regarding Phase 2 equipment would need a great deal of discussion in order to properly address. There could be some consideration involving the potentiality of transferring spare Phase 2 equipment from one site to another in an actual event, but the types of Phase 2 equipment (e.g., portable or non-portable) and the amount of sparring vary enough from licensee to licensee that I wouldn't be comfortable with the blanket statement made in the note. Things that should be considered in that would include the commercial availability of replacement equipment for Phase 2 as opposed to the NSRC equipment, which had the additional need to be helicopter-liftable. Given the differences, 3 years may not be an appropriate restoration period to use, so we would need to have further discussions to understand why it is being proposed.

Thanks
Gerry

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