

## **ADAMS Template: SECY-067**

**DOCUMENT DATE:** 04/13/1994

**TITLE:** PRM-050-060 - 59FR17499 - PETITION FOR RULEMAKING  
SUBMITTED BY VIRGINIA POWER (EMERGENCY  
PREPAREDNESS REVIEWS)

**CASE REFERENCE:** PRM-050-060  
59FR17499

**KEY WORD:** RULEMAKING COMMENTS

**Document Sensitivity:** Non-sensitive - SUNSI Review Complete

DOCKET NO. PRM-050-060  
(59FR17499)

In the Matter of  
PETITION FOR RULEMAKING SUBMITTED BY VIRGINIA  
POWER (EMERGENCY PREPAREDNESS REVIEWS)

| DATE<br>DOCKETED | DATE OF<br>DOCUMENT | TITLE OR<br>DESCRIPTION OF DOCUMENT   |
|------------------|---------------------|---|
| 01/19/94         | 12/30/93            | PETITION FOR RULEMAKING SUBMITTED BY W. L. STEWART<br>ON BEHALF OF VIRGINIA POWER       |
| 04/07/94         | 04/07/94            | FEDERAL REGISTER NOTICE - RECEIPT OF PETITION FOR RULEMAKING                            |
| 05/05/94         | 06/29/94            | COMMENT OF NORTH ATLANTIC ENERGY SERVICE CORP.<br>(T. C. FEIGENBAUM) ( 17)              |
| 06/07/94         | 06/02/94            | COMMENT OF ILLINOIS DEPARTMENT OF NUCLEAR SAFETY<br>(THOMAS W. ORTCIGER, DIRECTOR) ( 1) |
| 06/16/94         | 06/13/94            | COMMENT OF TUELECTRIC (J. S. MARSHALL) ( 2)   |
| 06/20/94         | 06/14/94            | COMMENT OF WASHINGTON PUBLIC POWER SUPPLY SYSTEM<br>(J. V. PARRISH) ( 3)                |
| 06/20/94         | 06/14/94            | COMMENT OF COMMONWEALTH EDISON (MARTIN J. VONK) ( 4)                                    |
| 06/20/94         | 06/16/94            | COMMENT OF GPU NUCLEAR CORPORATION (J. C. FORNICOLA) ( 5)                               |
| 06/27/94         | 06/17/94            | COMMENT OF FLORIDA POWER & LIGHT CO. (W. H. BOHLKE) ( 6)                                |
| 06/27/94         | 06/22/94            | COMMENT OF PECO ENERGY (G. A. HUNGER, JR.) ( 7)   |
| 06/27/94         | 06/22/94            | COMMENT OF SOUTH CAROLINA ELECTRIC & GAS CO.<br>(JOHN L. SKOLDS) ( 8)                   |
| 06/27/94         | 06/24/94            | COMMENT OF NUCLEAR ENERGY INSTITUTE<br>(THOMAS E. TIPTON) ( 9)                          |
| 06/30/94         | 06/27/94            | COMMENT OF TENNESEE VALLEY AUTHORITY<br>(ROGER W. HUSTON) ( 10)                         |
| 06/30/94         | 06/27/94            | COMMENT OF NORTHEAST UTILITIES SYSTEM (J. F. OPEKA) ( 11)                               |
| 07/01/94         | 06/22/94            | COMMENT OF CAROLINA POWER & LIGHT CO. (R. E. ROGAN) ( 12)                               |
| 07/01/94         | 06/27/94            | COMMENT OF PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY<br>(JOSEPH L. LAFLEUR) ( 13)        |

DOCKET NO. PRM-050-060 (59FR17499)

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| 07/01/94 | 06/27/94 | COMMENT OF PACIFIC GAS & ELECTRIC CO.<br>(GREGORY M. RUEGER) ( 14) |
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| 07/05/94 | 06/27/94 | COMMENT OF GEORGIA POWER COMPANY (C. K. MCCOY) ( 15) |
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| 07/05/94 | 06/27/94 | COMMENT OF SOUTHERN NUCLEAR OPERATING CO.<br>(J. D. WOODARD) ( 16) |
|----------|----------|--|

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| 07/11/94 | 07/05/94 | COMMENT OF VIRGINIA POWER (M. L. BOWLING) ( 18) |
|----------|----------|---|

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| 07/19/94 | 07/15/94 | COMMENT OF WASHINGTON PUBLIC POWER SUPPLY SYSTEM<br>(P. R. BEMIS) ( 19) |
|----------|----------|---|



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WASHINGTON PUBLIC POWER SUPPLY SYSTEM

P.O. Box 968 • 3000 George Washington Way • Richland, Washington 99352-0968 • (509) 372-5000

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July 15, 1994

DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

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Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attn: Docketing and Service Branch

Subject: Virginia Electric and Power Company Petition for Rule Making 59 Fed. Reg.  
17499 (1994)

Dear Mr. Chilk

These comments are submitted by Washington Public Power Supply System in regards to the above reference notice and invitation to comment on Virginia Electric and Power Company's petition for rulemaking to amend 10 CFR 50.54(t). Washington Public Power Supply System supports the petition and believes that the proposed change to 10 CFR 50.54(t) is warranted.

Reactor licensee's emergency preparedness effectiveness has steadily improved where audits of annual periodicity no longer provide a significant benefit, neither in the emergency preparedness deficiency identification nor cost in dollars and diverted resources. Additionally, adequate safeguards are in existence to ensure that the licensee's emergency preparedness effort does not deteriorate during the proposed two-year interval for audits.

By alternating the mandatory emergency preparedness exercise and audit, the NRC will maintain a formal mechanism to annually verify the licensee's program for emergency preparedness.

Washington Public Power Supply System concurs with Virginia Electric and Power Company that annual audits are no longer necessary to ensure adequate capability on emergency response. Amending the emergency preparedness rules to permit biennial audits would allow licensees to concentrate audit resources in areas of weakness based upon performance. This would provide an overall cost benefit and an increase in safety.

Sincerely,

P. R. Bemis (Mail Drop PE20)  
Manager, Regulatory Programs

SEP 28 1994

Acknowledged by card .....



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VIRGINIA POWER

July 5, 1994

Secretary, U.S. Nuclear Regulatory Commission  
Attention: Docketing and Service Branch  
Washington, D.C. 20555

Serial No. GL 94-002  
NL&P/GSS R1

Dear Sir:

**COMMENTS ON PETITION FOR RULEMAKING TO AMEND  
INDEPENDENT REVIEW FREQUENCY FOR EMERGENCY PREPAREDNESS**

In the April 13, 1994 Federal Register, the NRC requested comments on a petition for rulemaking filed by Virginia Power. The petition requested that the Commission amend its emergency preparedness (EP) requirements to change the frequency with which each licensee conducts independent reviews of its emergency preparedness program from annually to biennially.

We strongly support regulatory efforts which facilitate a graded approach to quality assurance recognizing safety significance and performance. The proposed rulemaking specifically permits licensees to more effectively direct their audit resources by conducting performance-based audits in areas of safety significance. While the proposal would relax the existing mandatory audit frequency, it does not preclude the performance of special audits if trends warrant additional management attention. Additionally, the emergency response capabilities are implemented through licensee programs which ensure the adequacy and effectiveness of plans, procedures, facilities, equipment, response personnel, and performance demonstrations. We note that current industry performance indicates excellent implementation and effective EP Programs. As a consequence, the proposed rulemaking is justified by overall industry performance.

We appreciate the opportunity to make comments on the petition for rulemaking. If you have any questions, please contact us.

Very truly yours,

M. L. Bowling, Manager  
Nuclear Licensing and Programs

U.S. NUCLEAR ENERGY COMMISSION  
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cc: Mr. Ron Simard  
Nuclear Energy Institute  
1776 Eye Street Suite 300  
Washington, D. C. 20006-3706

Mr. Ray Ng  
Nuclear Energy Institute  
1776 Eye Street Suite 300  
Washington, D. C. 20006-3706



**North  
Atlantic**

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DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

(17)

North Atlantic Energy Service Corporation  
P.O. Box 300  
Seabrook, NH 03874  
(603) 474-9521, Fax (603) 474-2987

The Northeast Utilities System

Ted C. Feigenbaum  
Senior Vice President &  
Chief Nuclear Officer

NYN- 94072

June 29, 1994

Secretary of the Commission  
United States Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Service Branch

Subject: Virginia Power; Filing of Petition for Rulemaking, Docket No. PRM-50-60

Gentlemen:

On April 13, 1994 a Petition for Rulemaking filed by Virginia Power was noticed in the Federal Register (59 FR 17499). That petition requested that the NRC change the frequency that a licensee conducts independent reviews of its emergency preparedness program from annually to biennially. North Atlantic Energy Service Corporation (North Atlantic), operator of Seabrook Station Unit 1, endorses the subject proposed rule change and agrees with the reasons cited in the petition.

Overall industry performance to date indicates effective implementation of emergency preparedness programs. Given this demonstrated level of performance and the existence of other regulatory oversight methods, a biennial independent review of the emergency preparedness program would be sufficient to verify continued program effectiveness. A biennial audit schedule would allow licensees to have increased flexibility in concentrating available audit resources in areas of observed weakness based on performance, rather than conducting a mandatory annual audit of marginal safety significance.

North Atlantic also supports the proposal that the independent audit be conducted in alternating years with the onsite emergency preparedness exercise, and as such would integrate well with another Virginia Power petition for rulemaking that requests a change in onsite exercise frequency from annual to biennial (58 FR 12339). The alternating schedule for exercises and audits would provide for an annual review of the performance of the emergency preparedness program.

If you have any questions concerning these comments, please contact Mr. Anthony M. Callendrello, Licensing Manager, at (603) 474-9521, extension 2751.

Very truly yours,

  
T. C. Feigenbaum

TCF:AMC/sm

Acknowledged by card SEP 28 1994

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United States Nuclear Regulatory Commission  
Attention:                      Docketing and Service Branch

June 29, 1994  
Page two

cc:     Mr. Thomas T. Martin  
         Regional Administrator  
         United States Nuclear Regulatory Commission  
         Region I  
         475 Allendale Road  
         King of Prussia, PA 19406

Mr. Albert W. De Agazio, Sr. Project Manager  
Project Directorate I-4  
Division of Reactor Projects  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Mr. Antone C. Cerne  
NRC Senior Resident Inspector  
P.O. Box 1149  
Seabrook, NH 03874

Nuclear Energy Institute  
1776 I Street  
Suite 400  
Washington, DC 20006-3708



Southern Nuclear Operating Company  
Post Office Box 1295  
Birmingham, Alabama 35201  
Telephone (205) 868-5086

DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

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16

J. D. Woodard  
Executive Vice President

Southern Nuclear Operating Company  
the southern electric system

June 27, 1994

Docket Nos. 50-348  
50-364

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Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

ATTENTION: Docketing and Service Branch

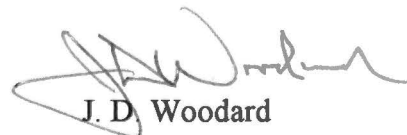
Comments on  
"Virginia Power; Filing of Petition for Rulemaking"  
(59 Federal Register 17499 of April 13, 1994)

Dear Mr. Chilk:

Southern Nuclear Operating Company has reviewed the petitioner's request to amend the NRC emergency preparedness requirements to change the frequency of the licensee's independent reviews of its emergency preparedness program from annually to biennially. This petition was published in the Federal Register on April 13, 1994. In accordance with the request for comments, Southern Nuclear Operating Company is in total agreement with the NEI comments which are to be provided to the NRC.

Should you have any questions, please advise.

Respectfully submitted,

  
J. D. Woodard

JDW/JDK

Acknowledged by card SEP 28 1994

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U. S. Nuclear Regulatory Commission

Page Two

cc: Southern Nuclear Operating Company  
R. D. Hill, Plant Manager  
D. N. Morey, Vice President

U. S. Nuclear Regulatory Commission, Washington, D. C.  
B. L. Siegel, Licensing Project Manager, NRR

U. S. Nuclear Regulatory Commission, Region II  
S. D. Ebnetter, Regional Administrator  
T. M. Ross, Senior Resident Inspector

Georgia Power Company  
40 Inverness Center Parkway  
Post Office Box 1295  
Birmingham, Alabama 35201  
Telephone 205 877-7122

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DOCKET NUMBER  
PETITION RULE PRM 50-60

(59FR17499)



(15)

C. K. McCoy  
Vice President, Nuclear  
Vogtle Project

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Georgia Power  
the southern electric system

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BRANCH  
June 27, 1994

Docket Nos. 50-321 50-424  
50-366 50-425

HL-4634  
ELV-0401

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

ATTENTION: Docketing and Service Branch

Comments on  
"Virginia Power; Filing of Petition for Rulemaking"  
(59 Federal Register 17499 of April 13, 1994)

Dear Mr. Chilk:

Georgia Power Company has reviewed the petitioner's request to amend the NRC emergency preparedness requirements to change the frequency of the licensee's independent reviews of its emergency preparedness program from annually to biennially. This petition was published in the Federal Register on April 13, 1994. In accordance with the request for comments, Georgia Power Company is in total agreement with the NEI comments which are to be provided to the NRC.

Should you have any questions, please advise.

Respectfully submitted,

C.K. McCoy  
C. K. McCoy

CKM/JDK

Acknowledged by card SEP 28 1994

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U.S. Nuclear Regulatory Commission

Page 2

cc: Georgia Power Company

J. T. Beckham, Jr., Vice President, Plant Hatch

J. B. Beasley, General Manager - Vogtle Electric Generating Plant

H. L. Sumner, Jr., General Manager - Plant Hatch

U. S. Nuclear Regulatory Commission, Washington, DC

K. N. Jabbour, Licensing Project Manager - Hatch

D. S. Hood, Licensing Project Manager - Vogtle

U. S. Nuclear Regulatory Commission, Region II

S. D. Ebnetter, Regional Administrator

B. L. Holbrook, Senior Resident Inspector - Hatch

B. R. Bonser, Senior Resident Inspector - Vogtle

HL-4634

LCV-0401

File: G.04.02



**GEORGIA POWER COMPANY  
HATCH AND VOGTLE JOINT NRC CORRESPONDENCE ROUTING AND INFORMATION**

|  |   |                |                             |
|--|---|----------------|-----------------------------|
| NRC Due Date<br><b>27 June 1994</b>  | DEC ID No.<br><b>Word V</b>               | <b>HL-4634</b> | ICV-<br><b>ELV-0401</b>     |
| Signature Due Date<br><b>27 June 1994</b>  | Docket Nos.<br><b>✓321 ✓366 ✓424 ✓425</b> |                | Author<br><b>JD Krienke</b> |
| Document Title/Subject<br><b>Comments on "Virginia Power; Filing of Petition for Rulemaking"</b> |   |                |                             |

Additional Keywords

Source of Information

**59 Federal Register 17499 of April 13, 1994**

Responds to NRC Letter Dated

Verbal Correspondence Dated

Purpose/Comments

**concurrency w/ NEI**

Special Distribution Requirements (Blind Copies)

**W.G. Hairston, III ; Dean Drinkard**

**REVIEW/CONCURRENCE**

|  |                        |  |                        |
|--|------------------------|--|------------------------|
| Licensing Engineer<br><b>Terril D. Krienke</b> | Date<br><b>6/24/94</b> | Project Engineer<br><b>Charles B. ...</b>            | Date<br><b>6/24/94</b> |
| Other (as applicable)<br><b>W. D. Drinkard</b> | Date<br><b>6/27/94</b> | <del>REES</del> (as applicable)<br><b>Dr. S. ...</b> | Date<br><b>6/27/94</b> |
| Manager - Licensing Services<br><b>T. ...</b>  | Date<br><b>6/27/94</b> | Manager - REES                                       | Date                   |

**HATCH PROJECT**

**VOGTLE PROJECT**

|  |  |
|--|--|
| Manager - Licensing/Date<br><b>... for SJB 6/27/94</b>   |  |
| Manager - MEL/Date<br><b>... 6/27/94</b>   |  |
| General Manager/Date<br><b>... 6/27/94</b>   |  |
| Vice President - Project/Date<br><b>Letter is to be signed by the last VP to review the correspondence</b> |  |
| Comments   |  |



**Pacific Gas and Electric Company**

77 Beale Street, Room 1451  
P.O. Box 770000  
San Francisco, CA 94177  
415/973-4684  
Fax 415/973-2313

Gregory M. Rueger  
Senior Vice President and  
General Manager  
Nuclear Power Generation

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14

June 27, 1994

DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

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PG&E Letter DCL-94-134

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attn: Docketing and Service Branch

Docket No. 50-275, OL-DPR-80  
Docket No. 50-323, OL-DPR-82  
Diablo Canyon Units 1 and 2  
Virginia Electric and Power Company: Petition for Rulemaking,  
Emergency Planning

Gentlemen:

PG&E is submitting comments in response to the notice in the Federal Register (59 FR 17499), dated April 13, 1994, and invitation to comment on Virginia Electric and Power Company's (VEPCO's) petition for rulemaking to amend 10 CFR 50.54(t) by changing the frequency with which each licensee conducts independent reviews of its emergency preparedness program. PG&E supports the petition and believes that the proposed change is warranted.

Power reactor licensee proficiency and effectiveness in emergency planning has improved steadily to the point where annual audits no longer provide a significant benefit, let alone a benefit commensurate with the cost in dollars and diverted resources. For the nuclear power industry, emergency planning audit deficiencies over the past few years have been largely absent or narrowly focused. Furthermore, adequate safeguards exist to ensure that the effectiveness of licensee emergency planning does not deteriorate during the two-year interval for audits.

The proposed relaxation of the annual audit requirement complements VEPCO's March 1993 rulemaking petition to reduce the frequency of mandatory emergency preparedness exercises from annually to biennially. By alternating the mandatory emergency preparedness audit and exercise, the NRC will still maintain a formal mechanism to annually verify program effectiveness.

Acknowledged by card SEP 28 1994



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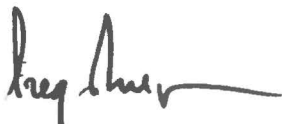
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June 27, 1994

Based on our experience at Diablo Canyon, as well as documented industry performance, we agree with VEPCO that annual audits are no longer necessary to ensure an adequate level of emergency response capability. Biennial audits would allow licensees to concentrate available audit resources in areas of observed weakness based on performance. Because the costs associated with the annual audit requirement are not commensurate with its safety benefits, amending the emergency preparedness rules to permit biennial audits could provide a net safety benefit.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Rueger", with a long horizontal flourish extending to the right.

Gregory M. Rueger

cc: L. J. Callan  
Mary H. Miller  
Kenneth E. Perkins  
Sheri R. Peterson  
Diablo Distribution

6491S/EMG/71



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY  
BOX 3321  
HARRISBURG, PENNSYLVANIA 17105-3321



June 27, 1994

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(13)

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Mr. John C. Hoyle,  
Acting Secretary  
U.S. Nuclear Regulatory Commission  
Attn: Docketing and Service Branch  
Washington, D.C. 20555

DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59FR 17499)

Dear Mr. Hoyle:

The Commonwealth of Pennsylvania wishes to comment on the proposed rule, Docket No. PRM-50-60 as published in the Federal Register/Vol. 59, No. 71/ Wednesday, April 13, 1994/Proposed Rules.

The Commonwealth supports the current annual independent audit rule for emergency preparedness programs. We would assert that, contrary to the petitioners contention, the annual audit is of more than marginal safety significance. Emergency preparedness is an integral part of the overall safety program and should not be considered to be of lesser value.

If however you choose to move to a biennial audit of emergency preparedness programs that should only be done for those individual plants which have established a continuing high level of SALP performance rather than using an industry wide standard. As a bottom line, regardless of whether a twelve month audit rule is continued or a twenty four month rule is adopted, standards of emergency preparedness must not decline but in fact must improve as technology and improved planning permit.

Sincerely,

*Joseph L. LaFleur*  
Joseph L. LaFleur  
Director

JLL/ARS/dby

Acknowledged by card SEP 28 1994





DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

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Carolina Power & Light Company  
PO Box 1551  
411 Fayetteville Street Mall  
Raleigh NC 27602

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June 22, 1994

SERIAL: NL&RAS-94-052

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
ATTENTION: Docketing and Service Branch

Dear Mr. Chilk:

Virginia Electric & Power Company; Petition for Rulemaking, 59 Federal Register 17499

By Federal Register Notice published April 13, 1994 (59 FR 17499), the Nuclear Regulatory Commission requested comments on a petition for rulemaking which would change the frequency with which licensees are required to provide for a review of their Emergency Preparedness Program.

Carolina Power & Light Company (CP&L) has reviewed the subject petition and concurs with the direction the petitioner is seeking.

Should you have questions regarding this letter, please contact Mr. Dale Bates at (919) 546-6154.

Sincerely,

R. E. Rogan

Manager

Nuclear Licensing and Regulatory Affairs

DBB/jbw

pc: Mr. N. B. Le  
Mr. P. D. Milano  
Ms. B. L. Mozafari  
Mr. W. T. Orders  
Mr. R. L. Prevatte  
Mr. J. E. Tedrow

(2230NRI)

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Northeast  
Utilities System

DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59FR17499)

107 Selden Street, Berlin, CT 06037

Northeast Utilities Service Company  
P.O. Box 270  
Hartford, CT 06141-0270  
(203) 665-5000

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June 27, 1994

'94 JUN 30 P3:50

Docket Nos. 50-213  
50-245  
50-336  
50-423  
B14890

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Mr. Samuel J. Chilk  
Secretary of the Commission  
Attention: Docketing and Service Branch  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Chilk:

Haddam Neck Plant  
Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3  
Comments on Virginia Electric and Power Company  
Petition for Rulemaking - Emergency Preparedness Audits

On April 13, 1994,<sup>1</sup> the NRC published for public comment a petition for rulemaking filed by Virginia Electric and Power Company (VEPCO) to amend 10CFR50.54(t). The petition requests that the NRC amend its emergency preparedness regulations to change the frequency with which each licensee conducts independent reviews of its emergency preparedness program from annually to biennially. Connecticut Yankee Atomic Power Company (CYAPCO) and Northeast Nuclear Energy Company (NNECO) support the petition and believe that the proposed clarification is warranted.

Power reactor licensee effectiveness in emergency planning has improved steadily to the point where annual audits no longer provide a significant benefit, let alone a benefit commensurate with their cost in dollars and diverted resources. For the nuclear power industry, emergency planning audit deficiencies over the past few years have been largely absent or narrowly focussed. Furthermore, adequate safeguards exist to ensure that the effectiveness of licensee emergency planning does not deteriorate during the proposed two year interval for audits.

<sup>1</sup> 59 Federal Register 17499, April 13, 1994

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B14890/Page 2  
June 27, 1994

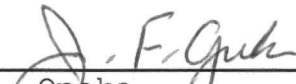
The proposed relaxation of the annual audit requirement complements VEPCOs March 1993 rulemaking petition, which is still pending before the Commission, to reduce the frequency of mandatory emergency preparedness exercises from annually to biennially. By alternating the mandatory emergency preparedness audit and exercise, the NRC will still maintain a formal mechanism to annually verify program effectiveness.

Based on documented industry performance, we agree with VEPCO that annual audits are no longer necessary to ensure an adequate level of emergency response capability. Biennial audits would allow licensees to concentrate available audit resources in areas of observed weakness based on performance. Because the costs associated with the annual audit requirement are not commensurate with its safety benefits, amending the emergency preparedness rules to permit biennial audits could provide a net safety benefit.

CYAPCO and NNECO appreciate the opportunity to participate in this process. Should you require any additional information, please contact Mr. E. P. Perkins, Jr. at (203) 665-3110.

Very truly yours,

CONNECTICUT YANKEE ATOMIC POWER COMPANY  
NORTHEAST NUCLEAR ENERGY COMPANY

  
\_\_\_\_\_  
J. F. Opeka  
Executive Vice President

cc: A. B. Wang, NRC Project Manager, Haddam Neck Plant  
J. W. Andersen, NRC Project Manager, Millstone Unit No. 1  
G. S. Vissing, NRC Project Manager, Millstone Unit No. 2  
V. L. Rooney, NRC Project Manager, Millstone Unit No. 3  
W. J. Raymond, Senior Resident Inspector, Haddam Neck Plant  
P. D. Swetland, Senior Resident Inspector, Millstone Unit  
Nos. 1, 2, and 3

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555



DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

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'94 JUN 30 P4:17

Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

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BRANCH

June 27, 1994

Mr. Samuel J. Chilk  
Secretary of the Commission  
ATTN: Docketing and Service Branch  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Chilk:

NUCLEAR REGULATORY COMMISSION (NRC) - REQUEST FOR COMMENT ON  
VIRGINIA POWER'S PETITION FOR RULEMAKING, PRM-50-60

The Tennessee Valley Authority (TVA) has reviewed the subject petition for rulemaking, which was noticed in the April 13, 1994, Federal Register (59 FR 17499-17500), and is pleased to provide the following comment for your consideration. TVA supports the petition to change the frequency of independent reviews of the emergency preparedness program from annually to biennially. We believe that such a change would provide considerable savings of utility resources without any decrease in the level of safety afforded to the public. Accordingly, we urge you to grant the petition.

TVA appreciates the opportunity to comment on this petition for rulemaking. If you have any questions or if we can be of any assistance, please telephone P. J. Hammons at (615) 751-2736.

Sincerely,

Roger W. Huston  
Manager  
Nuclear Licensing and Regulatory Affairs

cc: U.S. Nuclear Regulatory Commission  
Region II  
101 Marietta Street, NW, Suite 2900  
Atlanta, Georgia 30323

Mr. Alex Marion  
Nuclear Energy Institute  
1776 Eye Street, NW  
Suite 300  
Washington, DC 20006-3706

SEP 28 1994  
Acknowledged by card .....

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NUCLEAR ENERGY INSTITUTE

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DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

June 24, 1994

'94 JUN 27 P3:35

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BRANCH

Mr. Samuel J. Chilk  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

**ATTENTION:** Docketing and Services Branch

**SUBJECT:** Virginia Power; Filing of Petition for Rulemaking  
59 *Fed. Reg.* 17499, April 13, 1994  
Request for Comments

Dear Mr. Chilk:

The Nuclear Energy Institute (NEI)<sup>1</sup> submits these comments on behalf of the nuclear power industry. We have reviewed Virginia Power's petition to amend emergency preparedness program review activities, 10 CFR 50.54(t), (59 *Fed. Reg.* 17499, April 13, 1994). The proposed petition amends the requirement for each licensee to conduct an independent review of its emergency preparedness program from annual to a nominal 24-month periodicity.

NEI supports the general performance-based philosophy for this petition for rulemaking. It reflects the general concepts of a performance-based regulatory and quality regime in which audit and review frequencies are appropriately adjusted based on performance; a fixed periodicity is not mandated. We believe that the rule should be amended and it is appropriate for licensees to be provided an option for basing audit frequency required by 10 CFR 50.54(t) on meeting a set of predetermined performance criteria, or performing audits at a nominal 24-month interval.

---

<sup>1</sup> NEI is the successor organization to the Nuclear Management and Resources Council (NUMARC). NUMARC was the organization of the nuclear industry responsible for coordinating the efforts of all utilities licensed by the NRC to construct or operate nuclear power plants, and of other nuclear industry organizations, in all matters involving generic regulatory policy issues and the regulatory aspects of generic operational and technical issues affecting the nuclear industry. NEI's members include every utility licensed to operate a commercial nuclear power plant in the United States, the major nuclear steam supply system vendors, major architect/engineering firms, fuel fabrication facilities, materials licensees and other holders of NRC licenses, and other individuals and organizations involved in the nuclear energy industry.

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Mr. Samuel J. Chilk  
June 24, 1994  
Page 2

In the case of emergency preparedness, monitoring of the numerous drills, operational exercises, activities, and responses to events, that are undertaken within the facility and with offsite Federal, State, local authorities, provide adequate feedback for monitoring and determining if performance is satisfactory and whether corrective action is required. These are valid measures of performance which could be used for assessing effectiveness of the emergency preparedness program and assist in determining the need to adjust review frequency for the emergency preparedness program.

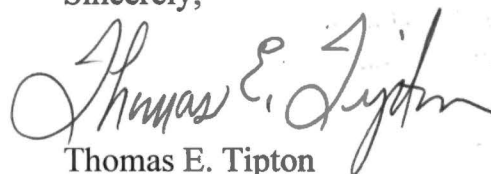
A performance-based regulatory approach allows licensee and NRC resources to be allocated and focused on the structures, systems, components and activities based on safety significance. Such an approach improves the efficiency and effectiveness of implementing the regulations and ultimately results in enhanced public health and safety. Changing the frequency currently prescribed in 10 CFR 50.54(t) to reflect a performance-based approach will assist in realizing these benefits.

The industry believes further discussions are necessary to develop the appropriate performance criteria before a performance-based quality regime can be implemented for emergency preparedness. NEI believes that as demonstrated in the development of the Maintenance Rule implementation, the specifics of implementation, including the establishment of the performance criteria for emergency preparedness, can be pursued as a parallel activity to rulemaking activities.

The Enclosure provides additional amplification of the industry's position.

The industry is prepared to discuss this issue with the NRC staff at their convenience. If there are any questions regarding the comments in this letter please contact Ray Ng or John Schmitt of the NEI staff.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas E. Tipton", is written over the typed name.

Thomas E. Tipton  
Vice President,  
Operations and Engineering

WHR/cma  
Enclosure

## Enclosure

### Performance-Based Audits of Emergency Preparedness

The proposed petition would amend the emergency preparedness program review requirements for conducting independent reviews of its emergency preparedness program from annually to a nominal 24 month periodicity.

NEI supports the performance-based justification for the rulemaking petition associated with 10 CFR 50.54 (t). It reflects the general momentum towards an improved, more efficient and effective regulatory regime, justified by licensees' performance. The industry believes that in a performance-based regulatory and quality regime it is more appropriate for equipment and organizational performance to be the determining factor for audit frequency, not rigid periodicity requirements. Licensees would determine whether to increase or reduce audit frequency based on performance and feedback from the numerous emergency preparedness drills, exercises and activities within the facility and, where appropriate, with external local, State and Federal organizations.

In the time frame that the NRC's quality assurance requirements (10 CFR 50, Appendix B) were originally issued, a number of other regulated industries, including defense and aerospace were also implementing similar quality programs. The quality implementation practices for these industries were very similar to those established for the commercial nuclear industry. In the 1990s, driven by global commercial competitiveness, and customer demands and requirements for improved quality, the broad spectrum of US industry is moving towards a more efficient quality regime, one that is performance-based. In such a regime, the emphasis is on output and results, not necessarily processes or procedures. The structured processes are important and necessary, but more important is that performance and output meet the requirements of the specified activity, function or product.

Developing a more effective and efficient regulatory regime is the goal of a number of current activities. The NRC's Regulatory Review Group Report, licensees' cost beneficial licensing activities and, on a broader front, Vice President Al Gore's Report on Reinventing Government, support changing the regulatory regime to one that is based on performance and results to improve regulatory effectiveness and efficiencies. In

addition, ASME NQA-1 (1989), Appendix 18A-1, Nonmandatory Guidance on Audits, Section 2.3, recommends:

"Frequency of regularly scheduled internal and external audits should be based upon evaluation of all applicable and active elements of the quality assurance programs. These evaluations should include an assessment of the effectiveness of the applicable and active elements of the program based upon such information as the following:

- (a) previous audit results and corrective actions;
- (b) nonconformance reports; and
- (c) independent information (e.g., from other sources, such as generic experience of the nuclear industry, ASME, peer organizations, regulating bodies, etc.)."

The movement towards a performance-based regulatory regime started with the issuance of the Maintenance Rule (10 CFR Part 50.65; July 10, 1991). There are also active discussions associated with implementing performance-based concepts in the area of quality assurance (10 CFR Part 50, Appendix B) and reactor containment leakage testing (10 CFR 50, Appendix J). The industry believes that emergency preparedness is yet another area where performance-based concepts can be applied to improve the effectiveness and efficiency of implementing the regulatory requirements.

In a performance-based quality regime, audits and reviews are undertaken based on monitoring the performance of a structure, system or component or activity against predetermined, licensee established criteria (goals). Failure to meet the performance criteria, would result in the licensee taking action through the corrective action program to resolve the issue, and where necessary, revise and adjust the applicable practices to provide reasonable assurance that future performance will be satisfactory, as demonstrated by meeting the appropriate performance criteria. Self assessments, or audits and assessments by other organizations, including company quality teams, assist in the review of performance evaluations and provide assistance in resolving issues, correcting deficiencies and deviations, and identifying areas for potential improvement. Failure to meet the performance criteria also results in increased licensee management involvement. The degree and extent of management involvement is dependent upon the safety significance and the issue under review.

In the area of emergency preparedness, there are already established and scheduled activities that could serve as indicators of satisfactory or degrading performance. It may

be appropriate for some of these activities to become the benchmarks by which to assess compliance with the emergency preparedness regulations.

Additional intra-industry discussions are required to develop potential performance criteria for emergency preparedness to support a performance-based emergency preparedness regulation. However, as demonstrated in the development of the Maintenance Rule implementation, we believe that the specifics of implementation, including the establishment of the performance criteria for emergency preparedness, can be pursued as a parallel activity to the rulemaking activities. Once the industry has reached a consensus on performance criteria that would be appropriate for monitoring to assure compliance with the emergency preparedness regulations, discussions with the NRC should take place, with an objective of reaching a mutual understanding on the specifics of implementation as soon as possible.



South Carolina Electric & Gas Company  
P.O. Box 88  
Jenkinsville, SC 29065  
(803) 345-4001

John L. Skolds  
Senior Vice President  
Nuclear Operations

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8

June 22, 1994  
Refer to: RC-94-0165

'94 JUN 27 P3:37

Secretary  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

OFFICE OF SECRETARY  
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BRANCH

Attention: Docketing and Service Branch

Gentlemen:

Subject: VIRGIL C. SUMMER NUCLEAR STATION  
DOCKET NO. 50/395  
OPERATING LICENSE NO. NPF-12  
COMMENTS ON VIRGINIA POWER COMPANY'S PETITION  
FOR RULEMAKING TO CHANGE THE FREQUENCY OF INDEPENDENT  
REVIEW OF EMERGENCY PREPAREDNESS PROGRAM

This letter provides comments on Virginia Power Company's petition for rulemaking to change the frequency with which each licensee conducts independent reviews of its emergency preparedness program from annually to biennially.

South Carolina Electric & Gas Company (SCE&G) agrees that the frequency of independent review of the emergency preparedness program should be more performance-based than schedule-driven.

SCE&G recommends that the Nuclear Regulatory Commission achieve and maintain a common frequency requirement for all nuclear programs requiring an independent review, to include emergency preparedness. The frequency, scope, and depth of all independent reviews should be based on program performance indicators and such that all aspects of a program are audited within a 36 month interval.

SCE&G appreciates the opportunity to review and provide comment on this petition for rulemaking.

Very truly yours,

John L. Skolds

RAM:lcd

c: O. W. Dixon  
R. R. Mahan  
R. J. White  
H. L. O'Quinn  
S. R. Hunt

NSRC  
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June 22, 1994

DOCKET NUMBER

PETITION RULE PRM 50-60  
(59FR 17499)

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Attn: Docketing and Service Branch  
Washington, DC 20555

Subject: PECO Energy Company  
Comments Concerning Virginia Power's 10 CFR 50 Petition  
for Rulemaking (59FR17499, dated April 13, 1994)

Dear Mr. Chilk:

This letter is being submitted in response to the NRC's request for comments concerning a petition for rulemaking filed by Virginia Power on December 30, 1993, and published in the Federal Register (i.e., 59FR17499, dated April 13, 1994) for comment. PECO Energy Company appreciates the opportunity to comment on this petition for rulemaking pertaining to a request that NRC amend its emergency preparedness regulations (i.e., 10 CFR 50.54(t)) to change the frequency for which licensees perform independent reviews of their emergency preparedness programs from annually to biennially. PECO Energy supports the proposed changes to the emergency preparedness requirements delineated in Virginia Power's petition for rulemaking.

Licensees can determine the effectiveness of their emergency preparedness program by their self-assessment process, periodic Quality Assurance reviews, and management oversight. Also, effective implementation of a licensee's emergency preparedness program is evident by the rating given during the NRC's Systematic Assessment of Licensee Performance (SALP) process. Thus, licensees do not need an annual independent review to assess the effectiveness of their emergency preparedness programs. Therefore, PECO Energy considers the proposed changes to 10 CFR 50.54(t) beneficial, and recommends that the NRC continue pursuing this rulemaking effort.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

G. A. Hunger, Jr.  
Director  
Licensing

Acknowledged by card SEP 28 1994

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Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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JUN 17 1994

DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

ATTENTION: Docketing and Services Branch

SUBJECT: Virginia Power; Filing of Petition for Rulemaking  
59 Fed. Reg. 17499 - April 13, 1994  
Request for Comments

On April 13, 1994, (59 FR 17499), the Nuclear Regulatory Commission (NRC) published for public comment a notice of petition for rulemaking titled "Virginia Power; Filing of Petition for Rulemaking." Florida Power and Light Company (FPL), as the licensed operator of two nuclear power plant units in Dade County, Florida and two nuclear power plant units in St. Lucie County, Florida, submits the following comments.

FPL concurs with the Virginia Power petition regarding a change in the frequency that licensees conduct independent reviews of their emergency preparedness program from annually to biennially. Virginia Power cites eight reasons for the request to change this requirement. FPL focuses on two of these reasons: 1) the present good performance of industry emergency plans and programs, and 2) the consistency with the guidance in Regulatory Guide 1.33, "Quality Assurance Program Requirements (operation)."

With respect to the first reason, FPL's Emergency Plan (EP) programs have maintained a long standing SALP one rating, and are managed with the emphasis on making the necessary improvement/modifications to maintain this excellent performance. FPL's performance supports Virginia Power's statement that Industry performance to date indicates excellent implementation and effective emergency preparedness programs.

With respect to the second reason, FPL concurs with Virginia Power that the existing requirement to conduct an annual audit is not of itself necessary to adhere to the underlying purpose of 10 CFR 50.54(t). FPL's Quality Assurance performance monitoring program is structured toward a performance based auditing philosophy and includes audits of the various drills and exercises in addition to routine audits of the Emergency Planning Program. FPL believes the performance-based overview with a two-year minimum interval is sufficient to satisfy 10 CFR 50.54(t).

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The Virginia Power petition is consistent with the recommendation of the NRC Regulatory Review Group Summary and Overview Report, and is consistent with FPL's current Quality Assurance initiatives regarding audit frequencies. By employing a 24 month minimum audit frequency for emergency preparedness, the Nuclear Industry is provided with additional flexibility to use their resources more effectively in focusing on other performance improvement opportunities.

FPL appreciates the opportunity to comment on this petition.

Very truly yours,



W. H. Bohlke  
Vice President  
Nuclear Engineering and Licensing

WHB/spt



DOCKET NUMBER

PETITION RULE PRM 50-60

(59FR 17499)

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**GPU Nuclear Corporation**  
One Upper Pond Road  
Parsippany, New Jersey 07054  
201-316-7000  
TELEX 136-482  
Writer's Direct Dial Number:

June 16, 1994  
C300-94-2161

Mr. Samuel J. Chilk,  
Secretary  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Services Branch

Subject: Virginia Power; Filing of Petition for Rulemaking  
59 Federal Register 17499, April 13, 1994  
Request for Comments

These comments reflect the position of GPU Nuclear Corporation. GPU Nuclear has reviewed Virginia Power's petition to amend emergency preparedness program review activities 10 CFR 50.54(t) (59 Fed. Reg. 17499, April 13, 1994). The proposed petition amends the emergency preparedness requirements to conduct independent reviews of its emergency preparedness program from annual to a nominal 24-month periodicity.

GPU Nuclear supports the petition for rulemaking associated with 10 CFR 50.54(t) because it reflects an improvement in the current regulatory framework and is warranted by licensee performance. GPU Nuclear believes, however, that the actual audit frequencies implemented should be based on performance in the subject area with the licensee's commitment reflecting the maximum interval between audits.

Any audit program is established to ensure that plans, procedures and instructions are sufficient and effectively implemented. In addition, audits verify compliance with Regulations, Operating License and Technical Specification requirements and other regulatory requirements and commitments. The effectiveness of such a program is not contingent upon a particular schedule but rather the thoroughness and scope of the audits and the comprehensiveness of the follow up to findings and recommendations. The proposed change concerns only the audit schedule.

Acknowledged by card SEP 28 1994



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In the area of emergency preparedness, there are scheduled activities which are active indicators of satisfactory or degrading performance capabilities. Feedback from actual events, the biennial exercise, on and off-site drills and coordination, and communication and facility checks provide sufficient bases to assess performance when compared to predetermined, licensee established criteria. These drills, exercises and regular operational activities also test the adequacy of the interface between the licensee and Federal, State and local government organizations. As with the current audit program, unsatisfactory performance would be handled through the licensee's corrective action program to resolve the issue and assure satisfactory future performance.

Should you require additional information regarding GPU Nuclear's position on this petition for rulemaking, please contact me.

Sincerely,

A handwritten signature in brown ink, appearing to read "J. C. Fornicola".

J. C. Fornicola  
Licensing & Regulatory Affairs Director

/plp

cc: A. P. Heymer, NEI



Commonwealth Edison  
1400 Opus Place  
Downers Grove, Illinois 60515

(4)

June 14, 1994

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Mr. Samuel J. Chilik  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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Attn: Docketing and Service Branch

Re: Virginia Electric and Power Company; Petition  
for Rulemaking, 59 Fed. Reg. 17499 (1994)

Dear Mr. Chilik:

These comments are submitted by Commonwealth Edison in response to the above-referenced notice and invitation to comment on Virginia Electric Power Company's petition for rulemaking to amend 10 C.F.R. Part 50.54(t). We support the petition and believe that the proposed clarification is warranted.

Power reactor licensee effectiveness in emergency planning has improved steadily to the point where annual audits no longer provide a significant benefit, let alone a benefit commensurate with their cost in dollars and diverted resources. For the nuclear power industry, emergency planning audit deficiencies over the past few years have been largely absent or narrowly focussed. Furthermore, adequate safeguards exist to ensure that the effectiveness of licensee emergency planning does not deteriorate during the proposed two-year interval for audits.

The proposed relaxation of the annual audit requirement complements VEPCo's March 1993 rulemaking petition - still pending before the commission -- to reduce the frequency of mandatory alternating the mandatory emergency preparedness audit and exercise, the NRC will still maintain a formal mechanism to annually verify program effectiveness.

Based on documented industry performance, we agree with VEPCo that annual audits are no longer necessary to ensure an adequate level of emergency response capability. Biennial audits would allow licensees to concentrate available audit resources in areas of observed weakness based on performance. Because the costs associated with the annual audit requirement are not commensurate with its safety benefits, amending the emergency preparedness rules to permit biennial audits could provide a net safety benefit.

Sincerely,

Martin J. Vonk  
Generic Issues Administrator  
Nuclear Regulatory Services

k:dave:VEPCO:1

Acknowledged by card SEP 28 1994

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WASHINGTON PUBLIC POWER SUPPLY SYSTEM

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June 14, 1994  
GO2-94-136OFFICE OF SECRETARY  
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Docket No. 50-397

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
ATTN: Docketing and Service Branch

Dear Mr. Chilk

Subject: VIRGINIA ELECTRIC AND POWER COMPANY; PETITION FOR  
RULEMAKING, 59 FED. REG. 17499 (1994)

These comments are submitted by the Washington Public Power Supply System in response to the above-referenced notice and invitation to comment on Virginia Electric and Power Company's petition for rulemaking to amend 10 CFR Part 50.54(t). We support the petition and believe that the proposed clarification is warranted.

Power reactor licensee effectiveness in emergency planning has improved steadily to the point where annual audits no longer provide a significant benefit, let alone a benefit commensurate with their cost in dollars and diverted resources. For the nuclear power industry, emergency planning audit deficiencies over the past few years have been largely absent or narrowly focussed. Furthermore, adequate safeguards exist to ensure that the effectiveness of licensee emergency planning does not deteriorate during the proposed two-year interval for audits.

The proposed relaxation of the annual audit requirements compliments VEPCo's March 1993 rulemaking petition — still pending before the Commission — to reduce the frequency of mandatory emergency preparedness exercises from annually to biennially. By alternating the mandatory emergency preparedness audit and exercise, the NRC will still maintain a formal mechanism to annually verify program effectiveness.

Acknowledged by card SEP 28 1994



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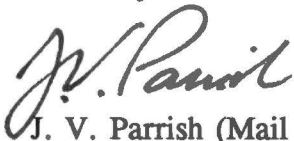


Page Two

**VIRGINIA ELECTRIC AND POWER COMPANY; PETITION FOR  
RULEMAKING, 59 FED. REG. 17499 (1994)**

Based on documented industry performance, we agree with VEPCo that annual audits are no longer necessary to ensure an adequate level of emergency response capability. Biennial audits would allow licensees to concentrate available audit resources in areas of observed weakness based on performance. Because the costs associated with the annual audit requirement are not commensurate with its safety benefits, amending the emergency preparedness rules to permit biennial audits could provide a net safety benefit.

Sincerely,



J. V. Parrish (Mail Drop 1023)  
Assistant Managing Director, Operations

PRB/bk

cc: LJ Callan - NRC RIV  
KE Perkins, Jr. - NRC RIV, Walnut Creek Field Office  
NS Reynolds - Winston & Strawn  
JW Clifford - NRC  
DL Williams - BPA/399  
NRC Sr. Resident Inspector - 927N

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PETITION RULE PRM 50-60  
(59 FR 17499)



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10185  
Ref. # Fed. Reg. 17499 (1994)

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June 13, 1994

William J. Cahill, Jr.  
Group Vice President

Mr. Samuel J. Chilk  
Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555  
Attn: Docketing and Service Branch

SUBJECT: VIRGINIA ELECTRIC AND POWER COMPANY;  
PETITION FOR RULEMAKING,  
59 FED. REG. 17499 (1994)

Dear Mr. Chilk:

These comments are submitted by TU Electric in response to the above referenced notice and invitation to comment on Virginia Electric and Power Company's petition for rulemaking to amend 10 CFR Part 50.54(t). TU Electric supports the petition and believes that the proposed change to 10 CFR Part 50.54(t) is warranted.

Power reactor licensee effectiveness in emergency preparedness has improved steadily to the point where annual independent audits no longer provide a significant benefit, let alone a benefit commensurate with their cost in dollars and diverted resources. For the nuclear power industry, emergency preparedness audit deficiencies over the past few years have been largely absent or narrowly focussed. Furthermore, adequate safeguards exist to ensure that the effectiveness of licensee emergency preparedness does not deteriorate during the proposed two-year interval for audits.

The proposed relaxation of the annual audit requirement compliments VEPCo's March 1993 rulemaking petition -- still pending before the Commission -- to reduce the frequency of mandatory emergency preparedness exercises from annually to biennially. By alternating the mandatory emergency preparedness audit and exercise, the NRC will still maintain a formal mechanism to annually verify emergency preparedness program effectiveness.

U.S. NUCLEAR REGULATORY COMMISSION  
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TU Electric agrees with VEPCo that annual audits are no longer necessary to ensure an adequate level of emergency response capability. Biennial audits would allow licensees to concentrate available audit resources in areas of observed weakness based on performance. Because the costs associated with the annual audit requirement are not commensurate with its safety benefits, amending the emergency preparedness rules to permit biennial audits could provide a net safety benefit.

Sincerely,

William J. Cahill, Jr.

By: *J. S. Marshall*  
J. S. Marshall  
Generic Licensing Manager

CLW/grp

STATE OF ILLINOIS  
DEPARTMENT OF NUCLEAR SAFETY

1035 OUTER PARK DRIVE  
SPRINGFIELD, ILLINOIS 62704

Jim Edgar  
Governor

217-785-9900  
217-782-6133 (TDD)

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Thomas W. Ortiger  
Director  
OFFICE OF SECRETARY  
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BRANCH

June 2, 1994

Secretary  
US Nuclear Regulatory Commission  
Washington, DC 20555

DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

Attn: Docketing and Service Branch

RE: Petition for Rulemaking Regarding Audits of Licensee Emergency  
Preparedness Programs (Docket No. PRM-50-60)

The Illinois Department of Nuclear Safety (IDNS) hereby submits its comments concerning the above-mentioned petition. IDNS is the lead agency in Illinois for preparing emergency plans for, and (in cooperation with the Illinois Emergency Management Agency) coordinating emergency responses to, accidents at nuclear power plants.

The subject petition is a companion piece to the petitioner's 1993 petition regarding frequency of emergency preparedness (EP) exercises, which IDNS opposed in our April 2 letter of that year. Many of the same arguments that we found questionable then have been advanced by the petitioner in support of this petition. In particular, given the importance of preparedness to overall safety, we do not believe that annual EP audits constitute an excessive burden, just as we do not believe that annual exercises constitute an excessive burden. We also still maintain that the industry's sensitivity to EP issues is a direct result of past regulatory emphasis on EP, and that recent improvements in SALP scores and decreasing frequency of significant issues in EP audits are in part a result of continued emphasis in this area. While NRC cannot afford to neglect other safety issues, EP provides the last line of defense in protection of public health and safety, and as such cannot be de-emphasized without unacceptably increasing public risk. We recognize, however, that each entity of government and each licensee must make optimum use of its resources.

Regarding this petition specifically, IDNS has some concerns with the proposed wording. The term nominally should be clarified or replaced: if the petitioner means that audits should be conducted at least once every 24 months, then the regulation should say that. It appears that much of the petitioner's intent (as reported in the Federal Register notice) is not reflected in the proposed changes. The petitioner appears to be suggesting a flexible, performance-based audit frequency, in which licensees could be subject to EP audit requirements every two years only as long as their previous audits gave (in sufficient detail to be credible) satisfactory results. This idea is not clear from the proposed wording.

U.S. NUCLEAR REGULATORY COMMISSION  
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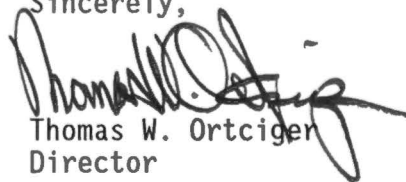


US Nuclear Regulatory Commission  
Page 2  
June 2, 1994

Since EP audits are conducted in varying degrees of depth and detail, they are therefore of varying degrees of usefulness. Audits should be structured and scheduled so as to gain maximum information and feedback for the licensee concerning any needed followup actions. To that end, NRC might wish to establish clear standard criteria for such audits (similar to FEMA's evaluation criteria in REP-15 and other guidance documents). Audits should, moreover, include a focus on at least one specific area each time, the subject of that focus to be randomly chosen and not predetermined. This would help to ensure a more realistic portrayal of EP programs, with more useful information for licensees wishing to correct weaknesses or improve their performance. Such an approach might be a better use of auditor resources and provide an incentive for licensees to maintain excellent EP programs, as suggested in the petition.

We appreciate the opportunity to comment on this important issue. Whatever course of action is selected, we hope that NRC will continue to recognize the value of strong EP programs, and not allow EP requirements to erode.

Sincerely,



Thomas W. Ortziger  
Director

TWO:tlk

cc: John B. Martin, USNRC, Region III

DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59 FR 17499)

DOCKETED  
USNRC

'94 APR -7 P4:19  
[7590-01-P]

Nuclear Regulatory Commission

10 CFR Part 50

[Docket No. PRM-50-60]

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Virginia Power; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing for public comment a notice of receipt of petition for rulemaking dated December 30, 1993, which was filed with the Commission by Virginia Power. The petition was assigned Docket No. PRM-50-60 on January 19, 1994. The petitioner requests that the Commission amend its emergency preparedness requirements to change the frequency with which each licensee conducts independent reviews of its emergency preparedness program from annually to biennially.

6/27/94  
DATES: Submit comments (75 days after publication in the Federal Register). Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESS: Submit comments to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Docketing and Service Branch,

pub. 4/13/94

Washington, DC 20555. For a copy of the petition, write to the Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7758 or Toll Free: 800-368-5642.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Commission's regulations currently require that each licensee conduct an independent audit of its emergency preparedness program by personnel who have no direct responsibility for the subject areas at least every 12 months.

##### Petitioner's Request

Virginia Power requests that the NRC amend its regulations to require that each licensee conduct, at a minimum, a biennial, rather than annual, independent audit of its emergency preparedness program. The petitioner states that, if warranted by performance, the resources previously dedicated to the conduct of mandatory audits in this area could now be more effectively used to address performance issues of safety significance. The

petitioner indicates that audit functions concerning emergency preparedness would in turn become more performance-based rather than schedule-driven according to the present annual requirement.

The petitioner notes that this request is consistent with the recommendation of the NRC Regulatory Review Group Summary and Overview Report (August 31, 1993).

#### Grounds for Request

The petitioner states that the changes requested are identified as present requirements which are resource intensive but of marginal importance to safety. The petitioner offers the following reasons for the request.

1. The underlying purpose of the existing rule is to ensure the continued emergency preparedness program effectiveness in taking the required actions necessary to provide for the health and safety of the public in the event of plant emergencies. This can be readily attained by a more performance-based approach to emergency preparedness overview. The frequency of audits need not be set on an annual basis if performance warrants a different frequency. The proposed rule provides for a nominal frequency of 24 months based on existing performance.
2. Industry performance to date indicates excellent implementation and effective emergency preparedness programs. Industry-wide SALP ratings for emergency preparedness have improved from an average of 2.29 in 1980 to 1.26 in 1992. A two-year audit schedule would permit the licensee an increased degree of flexibility to concentrate available audit resources in areas of observed weakness based on performance rather than conducting a mandatory annual audit of marginal safety significance.
3. The existing requirement to conduct an annual audit is not of itself necessary to achieve the underlying purpose of 10 CFR 50.54(t). Performance-based overview with a two-year maximum interval is sufficient and the proposed rule does not preclude an increased audit frequency if performance warrants. Based on the

existing performance within the industry, biennial audits represent an acceptable minimum frequency.

4. The proposed rulemaking is philosophically consistent with the recommendations concerning audits of programs such as Fitness for Duty included in the NRC Regulatory Review Group Summary and Overview (Final) issued in August 1993.
5. Regulatory Guide 1.33, Quality Assurance Program Requirements (Operation), prescribes a two-year audit frequency for most operational phase activities commensurate with the activity's operational safety significance. As emergency preparedness programs serve to ensure the proper operation of each facility, so the audits of these programs serve to monitor program effectiveness. The proposed rule is consistent with this previously defined regulatory position and the present safety significance as evidenced by industry performance.
6. Granting the proposed rule to reduce the frequency of audits based on continued good performance is warranted based on the present good performance of industry plans and programs, the documented trend of identifying fewer significant issues associated with emergency preparedness audits, and by virtue of meeting the intent of the regulations in the balance of their requirements.
7. Consideration of relaxing this requirement is warranted in light of the completion and implementation of enhanced emergency equipment and systems, the continuing rise in the level of industry proficiency and performance, and the increased industry sensitivity to emergency preparedness.
8. The existing requirements to conduct annual audits are not of themselves necessary to achieve the underlying purpose of Appendix E to 10 CFR Part 50. Biennial audits are sufficient to provide an acceptable formal confirmation of program effectiveness.

#### Supporting Information

The petitioner states that emergency preparedness programs throughout the industry are designed to achieve and maintain an adequate level of emergency response capability and that required

audits are conducted to ascertain the effective implementation of the basic elements existing within emergency preparedness plans and organizations. The petitioner states that the audit process is designed to ensure and confirm the ability to respond properly to an emergency condition. According to the petitioner, the intent of the petition for rulemaking would be to verify that an acceptable level of emergency preparedness is attained and maintained consistent with each approved program.

The petitioner states that in addition to the audits, onsite and offsite graded exercises also serve as a direct assessment of program effectiveness. The petitioner notes that this petition for rulemaking complements the petition for rulemaking published on March 4, 1993 (58 FR 12339), concerning modification of the requirement to change the exercise emergency plans from annual to biennial. The petitioner indicates that the audit and exercise can alternate yearly as the formal means to verify program effectiveness and that neither action precludes additional audits if performance trends indicate additional overview is warranted.

The petitioner states that because audits indicate to management where additional attention and resources might be needed based on performance trends, excellent performance could also indicate where less attention and resources are required. Therefore, the petitioner believes that based on industry's performance, annual audits of emergency preparedness programs are no longer commensurate with any safety benefit derived by the audit function.



Proposed Amendments to 10 CFR Part 50

The petitioner proposed that in §50.54, paragraph (t) be revised to read as follows:

§ 50.54 Conditions of licenses

\* \* \* \* \*

(t) A nuclear power reactor licensee shall provide for the development, revision, implementation, and maintenance of its emergency preparedness program. To this end, the licensee shall provide for a review of its emergency preparedness program nominally every 24 months by persons who have no direct responsibility for implementation of the emergency preparedness program. The review shall include an evaluation for adequacy of interfaces with State and local governments and of licensee drills, exercises, capabilities, and procedures. The results of the review, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and retained for a period of five years. The part of the review involving the evaluation for adequacy of interface with State and local governments shall be available to the appropriate State and local governments.

\* \* \* \* \*

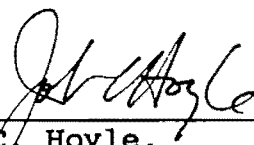
Conclusion.

The petitioner states that the existing rule is not necessary to ensure an adequate emergency preparedness program. It provides an overview to direct management attention and

resources to observed performance deficiencies. The petitioner indicates that the proposed rule would continue to require an adequate minimum provision for program overview based on existing industry performance. Therefore, the petitioner believes that annual audits are no longer commensurate with the benefit gained based on the commendable performance by the industry in this area.

Dated at Rockville, Maryland, this 7<sup>th</sup> day of April, 1994.

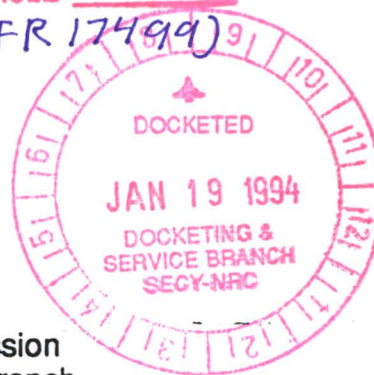
For the Nuclear Regulatory Commission.

  
\_\_\_\_\_  
John C. Hoyle,  
Assistant Secretary of the Commission.

WILLIAM L. STEWART  
Senior Vice President

PRM-50-60  
Innsbrook Technical Center  
5000 Dominion Boulevard  
Glen Allen, Virginia 23060  
804-273-3551

DOCKET NUMBER  
PETITION RULE PRM 50-60  
(59FR 17499)



VIRGINIA POWER

December 30, 1993

Secretary  
United States Nuclear Regulatory Commission  
Attention: Chief, Docketing and Service Branch  
Washington, D. C. 20555

Serial No. 93-707  
NL/RPC R1

Gentlemen:

**PETITION FOR RULEMAKING**  
**10 CFR 26.10 CFR 50.54 & 10 CFR 73.55**  
**FITNESS FOR DUTY, SECURITY & EMERGENCY PREPAREDNESS**

Pursuant to 10 CFR 2.802, Virginia Power requests rulemaking to change 10 CFR 26.80, 10 CFR 50.54(p)(3), 10 CFR 50.54(t), and 10 CFR 73.55(g)(4). The proposed rulemaking would relax the existing mandatory audit frequency specified for Fitness for Duty, Security, and Emergency Preparedness programs and plans from annual to biennial, but does not preclude additional audits if performance warrants. Conversely, based on continued good performance, this proposed rulemaking would permit licensees to more effectively direct and utilize their audit resources in areas of safety significance. In this regard, the proposed rulemaking is consistent with and represents a continuation of other related industry activities, including Virginia Power's, to modify audit requirements in the QA Topical Report and Technical Specifications to be more performance-based. This proposed rulemaking is also consistent with the NRC Regulatory Review Group findings and represents a significant Cost-Beneficial Licensing Action (CBLA) for the industry.

Attachments 1, 2, and 3 present the specific petitions for rulemaking and supporting discussion of the proposed changes. If you have any questions, please contact us.

Very truly yours,

for W. L. Stewart

**Attachments**

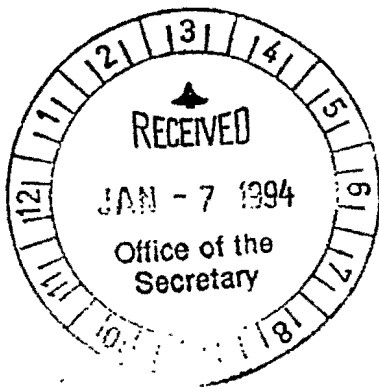
1. Petition for Rulemaking - Fitness for Duty
2. Petition for Rulemaking - Security
3. Petition for Rulemaking - Emergency Preparedness

NOTE: The three petitions submitted under this cover letter have been docketed separately. The docket numbers and titles of the three petitions are as follows:

PRM-26-1 Fitness-for-Duty Audit Frequency

PRM-50-59 Security Audit Frequency

PRM-50-60 Emergency Preparedness Audit Frequency



75 11W 14 JAN 1994

USNRC  
OFFICE OF ADMINISTRATION

cc: Dr. T. E. Murley  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Mr. M. W. Branch  
NRC Senior Resident Inspector  
Surry Power Station

Mr. R. D. McWhorter  
NRC Senior Resident Inspector  
North Anna Power Station

Mr. J. F. Colvin  
Nuclear Management and Resources Council  
1776 Eye Street, N. W.  
Suite 300  
Washington, D. C. 20006-2496

Mr. G. O'N. Urquhart  
Department of Emergency Services  
310 Turner Road  
Richmond, Virginia 23225

## **ATTACHMENT 3**

### **PETITION FOR RULEMAKING PROPOSED CHANGE TO 10 CFR 50.54(t) EMERGENCY PREPAREDNESS AUDIT FREQUENCY**

#### **Introduction**

The Code of Federal Regulations citation concerning Emergency Preparedness Programs, specifically 10 CFR 50.54(t), contains a requirement for 12 month (annual), independent audits of the program to be conducted by personnel who have no direct responsibility for the subject areas. The subject regulation is given below:

"50.54(t) A nuclear power reactor licensee shall provide for the development, revision, implementation, and maintenance of its emergency preparedness program. To this end, the licensee shall provide for a review of its emergency preparedness program at least every 12 months by persons who have no direct responsibility for implementation of the emergency preparedness program. The review shall include an evaluation for adequacy of interfaces with State and local governments and of licensee drills, exercises, capabilities, and procedures. The results of the review, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and retained for a period of five years. The part of the review involving the evaluation for adequacy of interface with State and local governments shall be available to the appropriate State and local governments."

Emergency planning regulations, promulgated as a result of the March, 1979 accident at Three Mile Island, govern virtually all aspects of a licensee's emergency preparedness program and have done much to lay the basis for a structured formal response capability. The maintenance and verification of emergency response capabilities are accomplished through programs which ensure the adequacy and effectiveness of plans, procedures, facilities, equipment, response personnel and performance demonstrations. This petition focuses on the requirement to conduct annual audits of these program features to verify the adequacy of the emergency response capability. The underlying purpose of this requirement is to overview and ensure effective implementation of emergency preparedness programs.

#### **Petition**

Pursuant to 10 CFR 2.802, Virginia Power requests that the Nuclear Regulatory Commission amend 10 CFR 50.54(t) to change the requirement that each licensee shall provide for a review of its emergency preparedness program at least every 12 months (annually) to nominally every two years (biennially). Specifically, it is requested that 10 CFR 50.54(t) be amended to read:

"A nuclear power reactor licensee shall provide for the development, revision, implementation, and maintenance of its emergency preparedness program. To



this end, the licensee shall provide for a review of its emergency preparedness program nominally every 24 months by persons who have no direct responsibility for implementation of the emergency preparedness program. The review shall include an evaluation for adequacy of interfaces with State and local governments and of licensee drills, exercises, capabilities, and procedures. The results of the review, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and retained for a period of five years. The part of the review involving the evaluation for adequacy of interface with State and local governments shall be available to the appropriate State and local governments."

The proposed rulemaking would require each licensee to conduct, at a minimum, a biennial, rather than annual, independent audit of its emergency preparedness program. If warranted by performance, the resources previously dedicated to the conduct of mandatory audits in this area could now be more effectively used to address performance issues of safety significance. Audit functions concerning emergency preparedness would in turn become more performance-based rather than schedule-driven according to the present annual requirement.

### **Grounds for Change**

This change is requested based on the present requirement being identified as an item which is resource intensive but of marginal importance to safety. The grounds for this change are as follows:

1. The underlying purpose of the existing rule is to ensure the continued emergency preparedness program effectiveness in taking the required actions necessary to provide for the health and safety of the public in the event of plant emergencies. This can be readily attained by a more performance-based approach to emergency preparedness overview. The frequency of audits need not be set on an annual basis if performance warrants a different frequency. The proposed rule provides for a nominal frequency of 24 months based on existing performance.
2. Industry performance to date indicates excellent implementation and effective emergency preparedness programs. Industry wide SALP ratings for emergency preparedness have improved from an average of 2.29 in 1980 to 1.26 in 1992. A two-year audit schedule would permit the licensee an increased degree of flexibility to concentrate available audit resources in areas of observed weakness based on performance rather than conducting a mandatory annual audit of marginal safety significance.
3. The existing requirement to conduct an annual audit is not of itself necessary to achieve the underlying purpose of 10 CFR 50.54(t). Performance-based overview with a two-year maximum interval is sufficient and the proposed rule does not preclude an increased audit frequency if performance warrants. Based on the existing performance within the industry, biennial audits represent an acceptable minimum frequency.

4. The proposed rulemaking is philosophically consistent with the recommendations concerning audits of programs such as Fitness for Duty included in the NRC Regulatory Review Group Summary and Overview (Final) issued in August 1993.
5. Regulatory Guide 1.33, Quality Assurance Program Requirements (Operation), prescribes a two-year audit frequency for most operational phase activities commensurate with the activity's operational safety significance. As emergency preparedness programs serve to ensure the proper operation of each facility, so the audits of these programs serve to monitor program effectiveness. The proposed rule is consistent with this previously defined regulatory position and the present safety significance as evidenced by industry performance.
6. Granting the proposed rule to reduce the frequency of audits based on continued good performance is warranted based on the present good performance of industry plans and programs, the documented trend of identifying fewer significant issues associated with emergency preparedness audits, and by virtue of meeting the intent of the regulations in the balance of their requirements.
7. Consideration of relaxing this requirement is warranted in light of the completion and implementation of enhanced emergency equipment and systems, the continuing rise in the level of industry proficiency and performance, and the increased industry sensitivity to emergency preparedness.
8. The existing requirements to conduct annual audits are not of themselves necessary to achieve the underlying purpose of APPENDIX E TO 10 CFR 50. Biennial audits are sufficient to provide an acceptable formal confirmation of program effectiveness.

### **Statement in Support of Petition**

Emergency Preparedness programs throughout the industry are designed to achieve and maintain an adequate level of emergency response capability. Required audits are conducted to ascertain the effective implementation of the basic elements existing within emergency preparedness plans and organizations. The audit process is designed to ensure and confirm the ability to respond properly to an emergency condition. The intent of the proposed rule continues to be to verify that an acceptable level of emergency preparedness is attained and maintained consistent with each approved program.

Audits are not the only means whereby an emergency preparedness program is assessed for effectiveness or a reasonable assurance finding can be made. The onsite and offsite graded exercises also serve as direct assessment of program effectiveness. On March 4, 1993, the NRC issued proposed rulemaking (58 FR 12339) for comment concerning modification of the requirement to exercise emergency plans from annual to biennial. This proposed rulemaking on audit frequency does not adversely impact the previously proposed rule. Rather, the proposal to change mandatory audit frequency complements the previously proposed rulemaking to change the annual exercise to

biennial. Simply, the audit and exercise can alternate yearly as the formal means to verify program effectiveness. In any case, neither action precludes additional audits if performance trends indicate additional overview is warranted.

It is useful to note that audits of the program do not of themselves ensure an acceptable and effective program. However, audits do provide indication to management where additional attention and resources might be needed based on performance trends. Likewise, excellent performance could also indicate where less attention and resources are required. Based on industry performance, annual audits of emergency preparedness programs are no longer commensurate with any safety benefit derived by the audit function. Biennial audits are adequate to ensure acceptable overview. Furthermore, nothing in the proposed rule precludes more frequent audits if performance trends indicate the need for closer scrutiny of the program.

The results of improvements to equipment and facilities, and programmatic enhancements within the nuclear emergency preparedness discipline over the past decade have elevated the level of response capability throughout the industry. This is evidenced, in part, through a mechanism employed by the NRC to assess emergency preparedness indicators through the use of its Systematic Assessment of Licensee Performance (SALP) program. It is noted that during the period between 1980 and 1992 the industry averaged SALP rating for emergency preparedness has improved from 2.29 to 1.26. The overall average for emergency preparedness SALP ratings for this twelve year period has been 1.61.

In conclusion, the existing rule is not necessary to ensure an adequate emergency preparedness program. The existing rule provides an overview to direct management attention and resources to observed performance deficiencies. The proposed rule continues to require an adequate minimum provision for program overview based on existing industry performance. Further, annual audits are no longer commensurate with the benefit gained based on the commendable performance by the industry in this area.