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SENIOR DIRECTOR
OPERATIONS SUPPORT
NUCLEAR GENERATION DIVISION

June 5, 2008

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff

Subject: Comments on RIN 3150-AG63, "Power Reactor Security Requirements; Supplemental Proposed Rule," *73 Fed. Reg. 19443* (April 10, 2008)

Project Number: 689

The Nuclear Energy Institute (NEI)¹ appreciated the opportunity to comment on the subject rulemaking. We would like to supplement our May 12, 2008 letter with the enclosed comments, which focus specifically on the two questions posed in the federal register notice.

We also offer the following comment on the language in Section IV. "Relationship of Proposed §50.54(hh)(2) to Aircraft Impact Assessment Proposed Rule" of the Federal Register notice (*73FR19447*):

This rule needs to focus on the site response to beyond design basis events and should require generic mitigative capabilities that can bound several events. The rule need not cover events within the scope of the DBT; those are addressed per the requirements of 10 CFR Section 73.55. Therefore, the events covered by §50.54(hh)(2) should be those that could cause a large area fire or that would impact a substantial portion of the plant. This would include the impacts from large aircraft and other beyond design basis events.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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Secretary
June 5, 2008
Page 2

Nuclear power plant fire protection designs that comply with the requirements of 10 CFR 50.48, *Fire Protection*, ensure that multi-safety divisions are not degraded and made inoperable from a design basis fire event. There are limited combustibles in a nuclear power plant that could accelerate the feeding of a postulated fire that would degrade multi-safety divisions to an extent that would pose a threat to cooling capabilities. Fire scenarios should be based on combustibles located in the buildings and not arbitrarily developed/postulated. Operating plants have extensive security protection systems and programs to eliminate the probability of transporting explosives or combustible materials onto the site in an uncontrolled or covert manner.

Thank you for your consideration of these comments. If you have any questions please contact Jim Fiscaro at (202) 739-8018; jjf@nei.org or me.

Sincerely,



Douglas J. Walters

Enclosure

c: Ms. Patricia K. Holahan, NRC
Mr. Timothy A. Reed, NRC
NRC Document Control Desk

RESPONSE TO SECTION VI, "SPECIFIC REQUEST FOR COMMENTS"

Section VI., "Specific Request for Comments" (*73 Fed. Reg. 19448*) requests comments on the following two specific questions:

Q.1. The NRC recognizes that the actions that would be required by Sec. 50.54(hh) would address beyond-design basis events that in some cases cannot be bounded (as is typically done for design basis events) in terms of the event conditions. As a result, the proposed Sec. 50.54(hh) required actions, though beneficial in many cases, may not be effective for some situations. Given this, the NRC requests specific comments on whether there should be additional language added to the proposed Sec. 50.54(hh) requirements that would limit the scope of the regulation (i.e., language that would constrain the requirements to a subset of beyond-design basis events such as beyond-design basis security events).

NEI Response: The rule requirement should be limited to a generic set of beyond design basis security events. Licensees would develop strategies and procedures to focus on the restoration capabilities needed for mitigating the effects from these beyond design basis security events. These same restoration capabilities could be utilized for many other events that were not in the generic set, since they would be based on restoration of the stated cooling capabilities in the rule.

Q.2. Under the proposed Sec. 50.54(hh) requirements, the NRC would review applicants' procedures, guidance and strategies related to the proposed Sec. 50.54(hh) as part of its licensing processes, inspection processes, or combination thereof, but these proposed requirements would not be included as part of a new application for a license under Part 50 or 52. The NRC is considering, however, whether it is also necessary or appropriate to also require inclusion of the Sec. 50.54(hh)-related activities within the NRC staff's review of a combined operating license application or operating license application. This would be accomplished by requiring such materials to be submitted as part of the applicant's application as required by Sec. 50.34 or Sec. 52.80, as applicable. The NRC requests specific comments on what would be the most effective and efficient process to review the applicants' and licensees' procedures, guidance and strategies developed and maintained in accordance with Sec. 50.54(hh)(1) and Sec. 50.54(hh)(2).

NEI Response: The procedures developed to comply with Section 50.54 (hh)(1) will not be available at the time of a license application. These procedures, along with other operations procedures will be finalized during the construction of the plant. The NRC will review these procedures and strategies as part of their standard construction inspection programs at the construction site. The actions contained within these procedures are not needed until fuel load - when an aircraft impact threat might present a radiological hazard to the public.

The process for implementing Section 50.54(hh)(2) will involve Emergency Operating Procedures, Severe Accident Mitigation Guidelines, Extreme Damage Mitigation Guidelines, or other similar guidelines. The strategies developed for addressing Section 50.54(hh)(2) will not be available until all these procedures and guidelines have been developed because they will take credit for some of

that guidance. These should be available for review as part of the NRC's standard construction inspection activities and should be completed prior to fuel load. Therefore, the most appropriate and efficient process for the NRC is to review these procedures and guidelines as part of the review of operations procedures and beyond design basis guidelines.

We agree with the premise of the stakeholder question that the NRC would review applicants' procedures, guidance and strategies related to the proposed Sec. 50.54(hh). As discussed above, we envision the NRC review of applicants' procedures, guidance and strategies would occur as part of the NRC's standard construction inspection processes, not as part of the licensing process. Accordingly, NRC need not and should not impose an additional requirement in Section 50.34 or 52.80 for applicants to also include these materials in COL (or OL) applications because: (1) the information will not be available at time of application submittal, and (2) the NRC has already reached a conclusion that there would be a license condition on this matter because the provisions of 10 CFR 50.54 "shall be deemed conditions in every license issued."

If the NRC determines that 10 CFR 50.54(hh) requirements must be addressed as part of the licensing process, it should be in the form of a brief summary program description of the 10 CFR 50.54(hh)-related activities that will be a subject of the NRC's construction inspection processes at the construction site.

Rulemaking Comments

From: HUSSAIN, Saqib [sxh@nei.org] on behalf of WALTERS, Doug [djw@nei.org]
Sent: Thursday, June 05, 2008 2:47 PM
To: Rulemaking Comments
Subject: Comments on RIN 3150-AG63, "Power Reactor Security Requirements; Supplemental Proposed Rule," 73 Fed. Reg. 19443 (April 10, 2008)
Attachments: 06-05-08_NRC_Comments on RIN 3150-AG63.pdf

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