



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 7, 2013

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-12-0034

TITLE: PROPOSED RULEMAKING - 10 CFR 50.46C: EMERGENCY
CORE COOLING SYSTEM PERFORMANCE DURING
LOSS-OF-COOLANT ACCIDENTS (RIN 3150-AH42)

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of January 7, 2012.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
EDO
PDR

VOTING SUMMARY - SECY-12-0034

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MACFARLANE	X				X	10/3/12
COMR. SVINICKI	X				X	11/27/12
COMR. APOSTOLAKIS	X				X	6/22/12
COMR. MAGWOOD	X				X	11/29/12
COMR. OSTENDORFF	X				X	7/6/12

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Allison M. Macfarlane
SUBJECT: SECY-12-0034 – PROPOSED RULEMAKING: 10 CFR
50.46c: EMERGENCY CORE COOLING SYSTEM
PERFORMANCE DURING LOSS-OF-COOLANT
ACCIDENTS (RIN 3150-AH42)

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___



SIGNATURE

10 | 8 | 12

DATE

Entered on "STARS" Yes X No ___

**Chairman Macfarlane's Comments on SECY-12-0034,
"Proposed Rulemaking: 10 CFR 50.46c: Emergency Core Cooling System Performance
During Loss-of-Coolant Accidents (RIN 3150-AH42)"**

I approve the staff's recommendation in SECY-12-0034 to publish in the Federal Register the proposed 10 CFR 50.46c rule covering performance-based requirements for emergency core cooling systems, as modified by the staff's June 1, 2012 memo to the Commission, and as edited by Commissioner Apostolakis in his vote. I commend the NRC staff for using emerging research findings to advance the agency's regulations in a performance-based manner. I'd also like to thank Commissioner Apostolakis and his staff for providing detailed edits to the Federal Register notice.

This proposed rule has a number of objectives including: expanding the applicability of the rule to any zirconium-based cladding materials; creating a performance-based approach which specifies that the emergency core cooling systems must keep core temperatures below fuel-specific limits; incorporating new research findings on hydrogen-enhanced beta layer embrittlement, breakaway oxidation, and cladding inner diameter oxygen ingress; and applying a new analytical requirement associated with the thermal effects of crud and oxide.

Given the new state of knowledge in this area, the NRC staff performed a plant-specific safety assessment to determine whether changes to the methodology for fuel cladding limits would alter the continued level of safety of currently operating nuclear plants. The staff has verified that current core configurations are safe; however, since many plant refuelings will take place between now and the time of a final rulemaking, the staff should continue to periodically verify that the appropriate level of safety is maintained.

As highlighted by Commissioner Ostendorff, the staff continues to conduct research related to fuel fragmentation, relocation, and dispersal. I support Commissioner Ostendorff's proposal that the staff should complete that research and incorporate any necessary changes before requesting Commission approval of a final rule for 50.46c.

Finally, I want to highlight that a portion of this proposed rulemaking, the explicit requirement that licensees evaluate the thermal effects of crud and oxide layers that accumulate on the fuel cladding during plant operation, is the result of a petition for rulemaking submitted by a member of the public, Mr. Mark Leyse. I'm encouraged by continued public participation in our regulatory processes and I believe it's particularly important that we highlight the contributions of members of the public to the agency's mission.


Allison M. Macfarlane 10/3/12
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-12-0034 – PROPOSED RULEMAKING – 10 CFR
50.46c: EMERGENCY CORE COOLING SYSTEM
PERFORMANCE DURING LOSS-OF-COOLANT
ACCIDENTS (RIN 3150-H42)

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below XX Attached ~~XX~~ None _____

I approve publication of the proposed rule on Performance-Based Emergency Core Cooling Systems (ECCS) Cladding Acceptance Criteria as presented in Enclosure 1 to SECY-12-0034, and subsequently modified by the staff's June 1, 2012 memo to the Commission, subject to the attached edits. The attached edits to the Regulatory Analysis should be incorporated prior to its publication. Additionally, the basis for backfit consideration is more appropriately "maintaining" adequate protection, than "restoring" it. Edits have been made to reflect this change. In general, the staff is to be commended for its diligent labor in producing this proposed rule.

The parallels drawn by Commissioner Ostendorff, in his vote, regarding precipitous action to resolve the containment sump clogging issue is an important reminder in the context of this proposed rule. Consequently, the staff should complete its research on fuel fragmentation, relocation, and dispersal, and incorporate any necessary changes before requesting Commission approval of the draft final rule. If these changes are significant enough to require a limited renoticing of the rule, so be it. Also, comments should be solicited on whether 10 CFR 50.46c should contain a provision allowing licensees to request a license amendment, on a case-by-case basis, to use alternative risk-informed approaches to establish a plant's licensing basis for long-term ECCS sump clogging issues.



SIGNATURE

11/27/12

DATE

Entered on "STARS" Yes No _____

FOR FURTHER INFORMATION CONTACT: Tara Inverso, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-1024, e-mail: Tara.Inverso@nrc.gov; or Paul M. Clifford, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-4043, e-mail: Paul.Clifford@nrc.gov .

SUPPLEMENTARY INFORMATION:

- I. Accessing Information and Submitting Comments
- II. Background
- III. Operating Plant Safety
- IV. Advance Notice of Proposed Rulemaking: Public Comment on Advance Notice of Proposed Rulemaking
- V. Proposed Requirements for ECCS Performance During LOCAs
 - A. Applicability of Performance-Based Rule; Consideration of PRM-50-71
 - B. Performance-Based Aspects of the Proposed Rule
 1. Hydrogen-Enhanced Beta-Layer Embrittlement
 2. Oxygen Ingress from Cladding Inside Diameter
 3. Breakaway Oxidation
 4. Applicability of Ductility Based Analytical Limits in the Burst Region
 5. Long-Term Cooling
 - C. Reporting Requirements
 - D. Consideration of PRM-50-84: Thermal Effects of Crud and Oxide Layers
 - E. Implementation
- VI. Section-by-Section Analysis

- The specific experimental technique for measuring cladding ductility (i.e., ≥ 1.00 percent permanent strain prior to failure during ring-compression loading at a temperature of 135 °C and a displacement rate of 0.033 millimeters per second (mm/sec)) was removed from the rule and provided as one approved method within draft regulatory guide (DG)-1262, "Testing for Postquench Ductility," (ADAMS Accession No. ML110840283).
- The specific experimental technique for measuring time until breakaway oxidation (i.e., hydrogen uptake reaches 200 weight part per million (wppm) anywhere on a cladding segment subjected to high temperature steam oxidation ranging from 1200 °F to 1875 °F (649 °C to 1024 °C)) was removed from the rule and provided as one approved method within DG-1261, "Conducting Periodic Testing for Breakaway Oxidation Behavior," (ADAMS Accession No. ML110840089).
- The proposed risk-informed change to the reporting requirements (objective three of the ANPR) was abandoned. The majority of public comments received on the proposed reporting criteria suggested that the concept was complex, and might promote unnecessary burden or misinterpretation.
- The applicability of the zirconium-based alloy fuel specific performance requirements was expanded to include uranium-plutonium mixed oxide fuel.
- The applicability of the ^{postquench ductility}(PQD) analytical limits in DG-1263, "Establishing Analytical Limits for Zirconium-Based Alloy Cladding," (ADAMS Accession No. ML110871607) was expanded to encompass cladding hydrogen concentration up to 800 wppm. X
- Many changes and improvements were made in the development of DG-1261, DG-1262, and DG-1263.
- A staged implementation plan was developed.

V. Proposed Requirements for ECCS Performance During LOCAs

The proposed rule would establish a general, performance-based rule governing ECCS performance for light-water nuclear power reactors (LWR), regardless of fuel design or cladding material. This represents a significant change from the current ECCS regulations, which apply to "uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding." Because ECCS system requirements must be expressed independent of fuel type, and because ECCS system performance ultimately must be based upon maintaining the fuel used in a safe (analyzed) condition, the new rule separates the ECCS system requirements from the need for the applicant/licensee to establish the fuel system design performance criteria constituting a safe condition.

In proposed § 50.46c, the specified performance objectives of the systems, structures, and components of the ECCS are to provide residual heat removal during and following a postulated LOCA. As with the current regulations, the ECCS performance is demonstrated by NRC-approved evaluation models in proposed § 50.46c. Specific performance requirements and analytical limits have been established for fuel designs consisting of uranium oxide or mixed uranium-plutonium oxide pellets within zirconium cladding alloys which account for recent research findings. New performance objectives and analytical limits may be necessary for other fuel designs to take into consideration all degradation mechanisms and any unique features of the particular fuel system ^{that} ~~for which~~ the ECCS is trying to cool. X

The proposed rule follows the general regulatory approach of the existing regulations by establishing non-prescriptive, performance-based regulatory language for demonstrating acceptable ECCS system performance and determining the fuel's performance characteristics. However, because the embrittlement criteria in the current regulations for fuel with zirconium-based cladding continue to be acceptable (although incomplete, as will be discussed) the

proposed rule retains the current regulations' 2200 °F limit for fuel with zirconium-based cladding as well as limitations on oxidation and hydrogen generation.

The organization and CFR designations of the NRC's requirements governing ECCS (currently in § 50.46) and reactor cooling venting systems (currently in § 50.46a) are expected to change, as a result of: 1) ongoing rulemaking activities; 2) the proposed implementation schedule for those activities; and 3) the need to maintain the current requirements in place for those licensees that have not transitioned to the new requirements (following the implementation schedule ^{that} ~~which~~ would be provided in the final rule). A detailed description of the transition of CFR designations is provided in Section VI, "Section by Section Analysis."

A. Applicability of Performance-Based Rule; Consideration of PRM-50-71

The NRC proposes to expand the applicability of the rule from "uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding" to any LWR, regardless of fuel design or cladding material. The proposed rule would be applicable to applicants for and holders of construction permits, operating licenses, combined licenses, and standard design approvals and ^{to} ~~by~~ applicants for certified designs and for manufacturing licenses. The ^{rule} ~~only exception to the~~ ~~rule's applicability~~ would ^{not apply to} ~~be for~~ any licensee ^{that} ~~which~~ has submitted certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, in accordance with § 50.82(a)(1).

Over the past 10 years, the NRC has granted exemptions from the requirements of § 50.46 (in accordance with § 50.12(a)) to licensees utilizing approved fuel designs with M5 zirconium-based alloy cladding and, more recently, to licensees using approved fuel designs with Optimized ZIRLO™ zirconium-based alloy cladding.

The proposed rule includes general performance requirements for future LWR fuel

designs and specific performance requirements for the current generation of LWR fuel designs with zirconium-based alloy claddings. As such, it is anticipated that future exemption requests would not be necessary for loading an advanced fuel design or cladding material approved by the NRC through a rulemaking. However, the licensee would still need to submit a license amendment. During this approval process, either: 1) specified and NRC-approved analytical limits have been established, along with an NRC-approved evaluation model, which satisfy the *specific performance-based requirements for fuel designs consisting of uranium oxide or mixed uranium-plutonium oxide pellets within zirconium-based alloy cladding material*, or 2) specified performance objectives and associated analytical limits which take into consideration all degradation mechanisms and any unique features of the particular fuel system have been established, along with an NRC-approved evaluation model, by which to judge the ECCS performance for new fuel designs.

The NRC recognizes that a small number of fuel rods may fail during normal operation due to manufacturing defects, debris fretting, grid-to-rod fretting, etc. The allowable number of fuel rod failures during normal operation is not governed by ECCS performance requirements, but limited by Part 20, "Standards for Protection Against Radiation," and plant Technical Specifications, which limit reactor coolant activity level to maintain on-site and off-site dose during normal operation, anticipated operational occurrences, and postulated accidents to within prescribed limits. In addition to Technical Specifications limitations, plant administrative limits on reactor coolant activity level further reduce the potential number of failed fuel rods within an operating core.

Due to secondary degradation effects, the performance of these limited failed fuel rods during a postulated LOCA may be difficult to predict, and would most likely be outside the experimental database used to set the ~~specified and~~ NRC approved analytical limits for coolable

geometry (i.e., cladding embrittlement for zirconium-based alloys). However, due to their limited number relative to the total core population, any unforeseen degradation or performance during a postulated LOCA would not challenge the general performance requirements. As such, compliance with ECCS performance requirements of § 50.46c is not required for this limited number of failed fuel rods.

This proposed extension to all LWR fuel types addresses an NEI petition for rulemaking (PRM-50-71) dated March 14, 2000, as amended ^{to} on April 12, 2000, which requested that the applicable regulations be amended to allow for the introduction of advanced zirconium-based alloy claddings, thus eliminating the need for a licensee to pursue an exemption for alloys which did not meet the definition of "zircaloy or ZIRLO™." If the NRC adopts the proposed rule in final form, ~~then~~ PRM-50-71 would be granted and resolved.

B. Performance-Based Aspects of the Proposed Rule

The systems, structures, and components of the ECCS are designed to provide residual heat removal during and following a postulated LOCA. Failure of the ECCS to perform its intended function would result in a loss of coolable geometry followed by core reconfiguration. While the ^{principal} ~~principle~~ ECCS performance requirements are simple in nature (i.e., remove residual heat and maintain core temperatures at acceptable levels), the system ~~capabilities and capacities~~ ^{to achieve} must be designed ~~based on~~ ^{to achieve} specified performance objectives, taking into consideration all degradation mechanisms and any unique features of the particular fuel system ~~for which the ECCS is trying to cool.~~ ^{that an intended} Sufficient empirical data must be available for the particular fuel system to identify all degradation mechanisms (e.g., embrittlement, loss of structural integrity) and any unique features (e.g., eutectic or exothermic reactions, combustible gas generation) to specify both acceptable core temperatures and the duration for which the

ECCS must remove residual heat. In addition, fuel-specific analytical requirements may be necessary to accurately or conservatively model unique phenomena ^{that} which impact the ECCS performance demonstration (e.g., fuel rod balloon and burst, cladding inside-diameter oxygen ingress).

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To achieve the rulemaking objective of developing a more performance-based rule, significant changes in format and structure are being proposed relative to § 50.46. In place of the current prescriptive § 50.46(b) analytical limits, the proposed rule would define the following ^{principal} ~~principle~~ ECCS performance requirements:

X

- Core temperature [§] during and following the LOCA event ~~does~~ ^{not} exceed the analytical limits for the fuel design used for ensuring acceptable performance.
- The ECCS provides sufficient coolant so that decay heat will be removed for the extended period of time required by the long-lived radioactivity remaining in the core.

X

In addition, the proposed rule would dictate specific analytical requirements for demonstrating compliance ^{with} to the ECCS performance requirements. For instance, to demonstrate compliance with these system performance requirements, ^{ECCS performance would be evaluated using} fuel-specific performance objectives and associated analytical limits ^{that} which take into consideration all degradation mechanisms and ^{any} unique features of the particular fuel system ^{would be} established, along with an NRC-approved evaluation model, ~~by which to judge the ECCS performance.~~

X

X

X

X

X

X

The proposed rule includes specific performance requirements for fuel designs consisting of uranium oxide or mixed uranium-plutonium oxide fuel pellets within cylindrical zirconium-alloy cladding, ~~by which to judge ECCS performance.~~ These performance requirements incorporate the findings of the NRC LOCA research program. New performance objectives and analytical limits may be necessary for other fuel designs.

P

For uranium oxide or mixed uranium-plutonium oxide fuel pellets within cylindrical zirconium-alloy cladding, all ^{known} degradation mechanisms and unique features have been identified, ^{have been} specific performance objectives defined, and fuel design-specific performance requirements have been established and included in the proposed rule. For this fuel system design, the performance objective is to maintain the coolable fuel rod bundle array. In other words, the objective is to maintain fuel pellets within ^{the} its cladding and fuel rods within the fuel bundle lattice. Existing models and methods are capable of accurately predicting core temperatures and demonstrating ECCS performance provided this core configuration is maintained. To achieve this performance objective, the ECCS must limit core temperatures to prevent high-temperature cladding failure, prevent brittle cladding failure (i.e., maintain PQD and prevent breakaway oxidation), and minimize hydrogen gas generation, and provide for long-term residual heat removal for the long-lived fission decay products associated with uranium oxide or uranium-plutonium oxide fuel.

X

X

X

X

X

The following § 50.46(b) requirements would remain unchanged in the proposed § 50.46c:

- *Peak cladding temperature.* The calculated maximum fuel element cladding temperature shall not exceed 2200 °F. The peak cladding temperature requirements currently in § 50.46(b)(1) would be moved to § 50.46c(g)(1)(i).
- *Maximum hydrogen generation.* The calculated total amount of hydrogen generated from the chemical reaction of the cladding with water or steam shall not exceed 0.01 times the hypothetical amount that would be generated if all of the metal in the cladding cylinders surrounding the fuel, excluding the cladding surrounding the plenum volume, were to react. The maximum hydrogen generation limits currently in § 50.46(b)(3) would be moved to § 50.46c(g)(1)(iv).

In the current regulations, the preservation of cladding ductility, via compliance with regulatory criteria on peak cladding temperature (§ 50.46(b)(1)) and local cladding oxidation (§ 50.46(b)(2)), provides a level of assurance that fuel cladding will not experience gross failure and that the fuel rods will remain within their coolable lattice arrays. The recent LOCA research program identified new cladding embrittlement mechanisms ^{that} ~~which~~ demonstrated that the current combination of peak cladding temperature (2200 °F (1204 °C)) and local cladding oxidation (17 percent equivalent cladding reacted (ECR)) criteria may not always ensure PQD. The impact of these research findings on cladding ductility is addressed in the following section.

1. Hydrogen-Enhanced Beta-Layer Embrittlement:

As explained in Section 1.4 of NUREG/CR-6967, oxygen diffusion into the base metal under LOCA conditions promotes a reduction in the size (referred to as beta-layer thinning) and ductility (referred to as beta-layer embrittlement) of the metallurgical structure within the cladding, ~~which provides its overall ductility.~~ The presence of hydrogen within the cladding enhances this embrittlement process.

It is important to recognize that the embrittlement of the cladding is the result of oxygen diffusion into the base metal and not directly related to the rate of growth or overall thickness of a zirconium dioxide layer on the outside cladding diameter. In combination with a limit on peak cladding temperature, the current ^{regulation} ~~provision~~ limits maximum local oxidation to preserve cladding ductility. Maximum local oxidation is used as a surrogate to limit the integral time-at-temperature (ITT) and associated oxygen diffusion. This surrogate approach is possible because both the rate of oxidation and rate of oxygen diffusion share strong temperature dependence. In the recent LOCA research program, the Cathcart-Pawel (CP) weight gain correlation was used to integrate time-at-temperature and define the point at which ductility was

lost (nil ductility). Section 1.3 of NUREG/CR-6967 defines the following equations used to integrate time-at-temperature:

$$ECR_{\text{One-sided oxidation}} = 43.9 [(Wg/h)/(1-h/Do)], \quad (\text{Eqn. 5 of NUREG/CR-6967})$$

$$ECR_{\text{Two-sided oxidation}} = 87.8 (Wg/h), \quad (\text{Eqn. 6 of NUREG/CR-6967})$$

where ECR is in percent, Wg is in g/cm², h is cladding thickness in cm, and Do is cladding outside diameter in cm. The CP weight gain correlation (Wg) is defined as follows.

$$Wg = 0.602 \exp(-1.005 \times 10^{-4}/T)t^{1/2} \quad (\text{Eqn. 4 of NUREG/CR-6967})$$

where Wg is given in g/cm², T is temperature in Kelvin, and t is time in seconds.

Measurements of weight gain were performed on many of the steam-oxidized cladding samples tested in the LOCA research program. For example, Table 22 of NUREG/CR-6967 provides both measured ECR and calculated CP-ECR for the zircaloy-2 cladding samples tested. Instead of correlating measured plastic strain or measured offset displacement with measured ECR or measurements of the post-quench cladding microstructure (e.g., beta layer thickness), the research findings correlate the ductile-to-brittle transition to calculated CP-ECR (using the equations previously stated). In this instance, calculated ECR is used to integrate time-at-temperature and ~~does~~ require knowledge of measured ECR. However, an accurate or conservative weight gain model based on measured oxidation, which may be alloy-specific or vary significantly from CP predictions, needs to be used for predicting rate of energy release and hydrogen generation from the metal/water reaction in the LOCA heat balance calculation. X

In an attempt to more accurately characterize the degrading phenomenon, the proposed rule would replace the term "maximum local oxidation" with "ITT", which more directly relates to the parameter of interest (i.e., embrittlement due to oxygen diffusion). This should clarify the need to have: 1) an accurate or conservative weight gain correlation based on measured oxidation for estimating the rate of energy release and hydrogen generation from the metal/water X

reaction, and 2) a consistent analytical technique to integrate time-at-temperature in both the empirical database (i.e., allowable CP-ECR) and evaluation model (i.e., predicted CP-ECR).

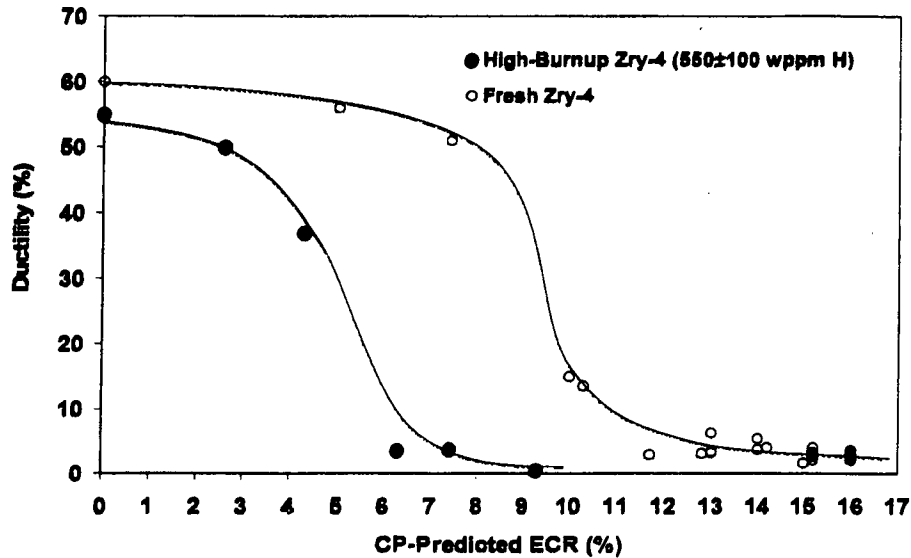
During normal operation, the cladding metal absorbs some hydrogen from the corrosion process. When that cladding is exposed to high-temperature LOCA conditions, the elevated hydrogen levels increase the solubility of oxygen in the beta phase and the rate of diffusion of oxygen into the beta phase. Thus, even for LOCA temperatures below 1204 °C (2200 °F), embrittlement can occur for time periods corresponding to less than 17-percent oxidation in corroded cladding with significant hydrogen pickup.

Figure 1 illustrates the effect of hydrogen on ring-compression test ductility measurements. Test specimens included high-burnup (a 71- to 74-micrometer corrosion-layer thickness) and as-fabricated (fresh) PWR Zircaloy-4 cladding segments. Cladding samples were oxidized on two sides at approximately 1200 °C (~ 2200 °F) and cooled at approximately 11 °C per second to 800 °C (1472 °F). As-fabricated samples were quenched at 800 °C, whereas the high-burnup samples were slow-cooled from 800 °C to room temperature.

[The staff should provide one or two summary sentences that explain the phenomenon depicted in Figure 1.]

FIGURE 1: Measured Offset Strains

(Source: NUREG/CR-6967)



To address this phenomenon (as well as to achieve a more performance-based rule), the NRC proposes to replace the existing prescriptive analytical limits with a performance-based requirement ^{that} would require licensees to establish specified and NRC-approved analytical limits on peak cladding temperature (PCT) and ITT. These limits should correspond to the measured ductile-to-brittle transition for the zirconium-based alloy cladding based upon an NRC-approved experimental technique. If the peak cladding temperature ^{that} ~~which~~ preserves cladding ductility is lower than the 2200 °F limit, the licensee should use the lower temperature. X

The NRC is issuing draft regulatory guide DG-1263 (ADAMS Accession No. ML110871607) for comment. The draft regulatory guide provides licensees with "specified and NRC-approved analytical limits on PCT and integral time at temperature (ITT)," based upon the NRC's LOCA research program's measured ductile-to-brittle transition for zirconium-based alloy X

cladding. In addition, the NRC is issuing DG-1262 (ADAMS Accession No. ML110840283) for comment, which provides licensees with "an NRC-approved experimental technique" for conducting PQD measurements and developing analytical limits. These draft regulatory guides specify an approach acceptable to NRC. Even if the draft regulatory guides are adopted in final form, licensees may propose alternative approaches to those described in those regulatory guides.

It is important to recognize that a consistent integration technique should be used to quantify time at elevated temperature in both the experiments and evaluation model. For example, the NRC-approved analytical limits on ITT in DG-1263 were based on the NRC LOCA research program results which, in turn, integrated time at elevated temperature using the CP weight gain correlation. For consistency with DG-1263, future LOCA analyses ^{should} ~~must~~ integrate time at elevated temperature using the same CP weight gain correlation when comparing analysis results against these analytical limits. For this case, Appendix K evaluation models would continue to use the Baker-Just (BJ) weight gain correlation for estimating the rate of energy release and hydrogen generation from the metal/water reaction.

The NRC's LOCA research program did not investigate cladding degradation mechanisms or develop the technical basis for performance-based requirements beyond the existing 2200 °F peak cladding temperature criterion. Examples of degradation mechanisms beyond cladding embrittlement (via oxygen diffusion) include excessive exothermic metal-water reaction, alloy-specific eutectics, and loss of fuel rod geometry due to plastic flow. As a result, the existing 2200 °F limit (specified in § 50.46c(g)(1)(i) of the proposed rule) remains an absolute upper limit for zirconium-based alloys on peak cladding temperature. However, as reflected in this proposed requirement, a lower peak cladding temperature may be required to preserve ductility.

2. Oxygen Ingress from Cladding Inside Diameter:

Oxygen sources may be present on the inner surface of irradiated cladding due to gas-phase UO_3 transport prior to gap closure, fuel-cladding-bond formation (uranium dioxide in solid solution with zirconium dioxide), and the fuel bonded to this layer. Under LOCA conditions, this available oxygen may diffuse into the base metal of the cladding, effectively reducing the integral time-at-temperature to nil ductility.

To address this phenomenon, the NRC proposes to add an analytical requirement to the evaluation model ^{that} ~~which~~ would require licensees to, if an oxygen source is present on the inside surfaces of the cladding at the onset of ^a LOCA, consider the effects of oxygen diffusion from the cladding inside surfaces in the evaluation model. X
X

The NRC recognizes that the availability of a cladding ^{inside diameter} (ID) oxygen source and its diffusion into the base metal during a postulated LOCA may depend on several factors (e.g., rod design, power history). ^{applicants are responsible for} As such, ~~the burden of~~ determining when the fuel-cladding bonding layer is strong enough to allow the diffusion of oxygen from the uranium-oxide fuel to the zirconium cladding and, therefore, must be included in the evaluation model ~~resides with the applicant.~~ ⁹ It X
X
is anticipated that identifying the magnitude and onset of oxygen ID diffusion would be part of the NRC's review and approval of LOCA evaluation models or vendor fuel designs. A conservative analytical limit is provided in draft regulatory guide DG-1263 (ADAMS Accession No. ML110871607).

3. Breakaway Oxidation:

As explained in Section 1.4.5 of NUREG/CR-6967, zirconium dioxide can exist in several crystallographic forms (allotropes). The normal tetragonal oxide that develops under LOCA conditions is dense, adherent, and protective with respect to hydrogen pickup. However, there

are conditions that promote a transformation to the monoclinic phase (i.e., the phase that is grown during normal operation), which is neither fully dense nor protective. The tetragonal-to-monoclinic transformation is an instability that initiates at local regions of the metal-oxide interface and grows rapidly throughout the oxide layer. Because this transformation results in an increase in oxidation rate, it is referred to as breakaway oxidation. Along with this increase in oxidation rate resulting from cracks in the monoclinic oxide, significant hydrogen pickup also occurs. Hydrogen that enters in this manner during a LOCA transient promotes rapid embrittlement of the cladding.

While all zirconium alloys will eventually experience breakaway oxide phase transformation when exposed to long durations of high temperature steam oxidation, alloying composition and manufacturing process (e.g., surface roughness) influence the timing of this phenomenon.

Any fuel rod ^{that} ~~which~~ experiences breakaway oxidation during a postulated LOCA will rapidly become brittle and more susceptible to gross failure and hence, is no longer in compliance with general design criterion (GDC) 35 requirements for coolable core geometry. To address this phenomenon, the NRC proposes to add a performance-based requirement that the licensee measure the onset of breakaway oxidation for each reload batch on manufactured cladding material and ^{to} ~~to~~ report any changes in the onset of breakaway oxidation at least annually. This requirement, along with a periodic test requirement, would confirm that slight composition changes or manufacturing changes have not inadvertently altered the cladding's susceptibility to oxidation. The NRC is issuing DG-1261 (ADAMS Accession No. ML110840089), which will provide licensees with "an NRC approved experimental technique" for conducting breakaway oxidation measurements and developing analytical limits.

mechanisms impact the performance of the fuel rod under LOCA conditions. As such, the ductile-to-brittle transition based on ring compression tests of unflawed cladding segments may not fully represent the region of the fuel rod surrounding the cladding rupture.

The rupture region contains non-uniform distributions of: 1) oxygen concentration within the base metal and zirconium oxide thickness, 2) soluble hydrogen and zirconium hydrides, 3) cladding wall thickness (due to ballooning), and 4) cladding flaws (due to ballooning and rupture). The overall goal of preserving cladding ductility may not apply to the rupture area that contains non-uniform distributions of flaws, cladding thickness, hydrogen distribution, and oxygen levels.

To investigate the mechanical behavior of ruptured fuel rods, the NRC conducted integral LOCA testing, designed to exhibit ballooning and burst, on as-fabricated and hydrogen charged cladding specimens and high burnup fuel rod segments exposed to high temperature steam oxidation followed by quench. The research results and conclusions are documented in the report "Mechanical Behavior of Ballooned and Ruptured Cladding" (ADAMS Accession No. ML12048A475). The integral LOCA testing confirms that continued exposure to ^ahigh temperature steam environment weakens the already flawed region of the fuel rod surrounding the cladding rupture. Hence, limitations on peak cladding temperature and integral time at temperature are necessary to preserve an acceptable amount of mechanical strength and fracture toughness. In addition, this research demonstrated that the degradation in strength and fracture toughness with prolonged exposure to steam oxidation was enhanced with pre-existing cladding hydrogen content. X

The research findings from the integral LOCA research presented the NRC with two options for revising the fuel performance requirements: 1) establish a separate performance requirement within the burst region (i.e., analytical limits which preserve sufficient fracture

toughness to ensure burst region survival), or 2) apply the ductility-based analytical limits to the entire fuel rod.

In the absence of a credible analysis of loads, cladding stresses, and cladding strains for a degraded LOCA core, there are no absolute metrics to determine how much ductility or strength would be needed to “guarantee” that fuel-rod cladding would maintain its geometry during and following LOCA quench. It is also not clear what impact severance of some fuel rods into two pieces would have on core coolability. Fragmentation of fuel rod cladding would be more detrimental to core coolability than severance of rods into two pieces. Even minimal ductility ensures that cladding will have high strength and toughness and therefore, high resistance to fracturing. Brittle cladding, on the other hand, might fail at low strength and shatter. Therefore, the intent to maintain ductility is beneficial even without adequate knowledge of LOCA loads. If wall thinning and double-sided oxidation are accounted for, then it was determined that applying the hydrogen-based embrittlement limit developed in previous work at ANL to limit oxidation in the balloon region of the irradiated fuel rods tested at Studsvik was sufficient to preserve reasonable behavior of the ballooned and ruptured region.

The integral LOCA research concluded that application of the hydrogen-dependant^e ductility-based analytical limits on PCT and ITT (when applied within the burst region) preserve the mechanical behavior of high-burnup rods tested to that measured for as-fabricated cladding oxidized to 17 percent CP-ECR. Assuming highly conservative upper bounds on thermal expansion loading during quench, the residual mechanical behavior preserved by this limit was determined to be adequate to demonstrate that coolable geometry is maintained. As such, the NRC elected the second regulatory approach to apply a single performance-based requirement to the entire fuel rod. This decision recognizes that portions of the cladding within the burst region may not maintain ductility. This decision is reflected in DG-1263 and supported by the

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technical basis documented in the staff report, "The Mechanical Behavior of Ballooned and Ruptured Cladding," (ADAMS Accession No. ML12048A475).

5. Long-Term Cooling:

The current regulation in § 50.46(b)(5) requires that for long-term cooling the calculated core temperature be maintained at an acceptably low value following any calculated successful initial operation of the ECCS. It also requires that decay heat be removed for the extended period of time required by the long-lived radioactivity remaining in the core.

The proposed rule would define a performance-based requirement to ensure acceptable fuel performance during long-term cooling. Specifically, the proposed rule would require ^{that} a specified and NRC-approved analytical limit on peak cladding temperature be established ~~which~~ ^{that} corresponds to the measured ductile-to-brittle transition for the zirconium-based alloy cladding material based upon an NRC-approved experimental technique. It would also require that the calculated maximum fuel element temperature should not exceed the established analytical limit. X X

C. Reporting Requirements

The ANPR identified the third objective of the rulemaking as the revision of the LOCA reporting requirements. Specifically, the ANPR indicated that the NRC considered revising the reporting criteria by redefining what constitutes a significant change or error in such a manner as to make the reporting requirements dependent upon the margin between the acceptance criteria limits and the calculated values of the respective parameters (i.e., PCT or CP-ECR). After reviewing the public comments received, the NRC recognizes that the proposed reporting requirements specified in the ANPR were complex, and might, as a result, promote

unnecessary burden or misinterpretation. As such, the reporting requirements of this proposed rule would not incorporate a dependence on margin between the acceptance criteria and calculated parameters.

The proposed rule would add a reporting requirement and definition of significant change or error based on predicted changes in maximum local oxidation (i.e., ECR), reformat the reporting section to clarify existing requirements, and add a reporting requirement based on periodic breakaway oxidation measurements. Any changes or errors ^{that} ~~which~~ prolong the temperature transient may further challenge the integral time-at-temperature analytical limit; however, they may not significantly change the predicted PCT. As such, this change or error would not be captured in the reporting requirements. To improve the reporting and evaluation of changes or errors of this type, the NRC would expand the definition of significant change or error to include maximum local oxidation. The threshold for significant, 0.4 percent ECR would be equivalent to a change in calculated ECR for a 50 °F change in cladding temperature. X

The definition of a significant change or error (i.e., 50 °F PCT, 0.4 percent ECR) is specific to zirconium-alloy cladding. A new definition of significant change or error may be necessary for other cladding materials. In addition, the proposed rule would require the use of maximum local oxidation (i.e., % ECR) to evaluate the impact of a change or error on the predicted integral time-at-temperature.

Reporting requirements with respect to any “change to or error discovered in an NRC-approved evaluation model or in the application of such a model” have been a source of confusion. Two common misconceptions are: 1) baseline values when estimating a significant change or error (i.e., greater than 50 °F), and 2) 30-day reporting including “a proposed schedule for providing a reanalysis.” When estimating a significant change or error, the proposed rule provides threshold values for both peak cladding temperature and local oxidation.

The baseline predictions used to assess a significant change or error should be the peak cladding temperature and maximum local oxidation values documented in a plant's updated final safety analysis report (UFSAR). These values should represent the latest LOCA analyses ^{that} ~~which~~ were submitted and reviewed by the NRC staff as part of a license amendment request (e.g., power uprate, fuel transition) as amended by prior annual reports. The following example illustrates the NRC's position: X

In 2007, a licensee submits new LOCA analyses as part of an extended power uprate license amendment request with a predicted peak cladding temperature (PCT) of 1900 °F and maximum local oxidation (MLO) of 2.4 percent ECR. The 2008 and 2009 annual reports identify no changes or errors. In 2010, two errors in the evaluation model are discovered and documented in the annual report with an estimated impact on PCT of +25 °F and -20 °F and estimated impact on MLO of +0.08 percent ECR and -0.01 percent ECR. A 30-day notification was not required since the estimated impact was below the threshold for significant. At this point, the licensee should update the UFSAR, document the error notification, and identify the baseline for judging future changes or errors as 1905 °F PCT and 2.5 percent ECR.

When a change to or error in an evaluation model is discovered, the licensee would be responsible for estimating the magnitude of changes in predicted results to: 1) determine if immediate steps are necessary to demonstrate compliance or bring plant design or operation into compliance with § 50.46c requirements, and 2) identify reporting requirements. Under the proposed rule, a licensee's obligation to report and take corrective action varies depending upon whether the licensee's situation falls into one of three possible scenarios, as described below:

1. Change, error, or operation ^{that} ~~which~~ does not result in any predicted response ^{that} ~~which~~
- X

exceeds any acceptance criteria and is itself not significant.

The licensee must:

- a. Submit an annual report documenting the change(s), error(s), or operation along with ^{the} estimated magnitude^s of changes in predicted results. X
 - b. Revise ^{the} UFSAR. X
 - c. Use the UFSAR PCT/ECR predictions as a baseline for future evaluations.
2. Change, error^o or operation ~~which~~ ^{that} does not result in any predicted response ~~which~~ ^{that} exceeds any acceptance criteria but is significant. X

The licensee must:

- a. Submit a 30-day report documenting the change(s), error(s), or operation, estimated magnitude^s of changes in predicted results, and the schedule for providing a new AOR. The NRC will review the new AOR. X
 - b. Revise ^{the} UFSAR to include new AOR. X
 - c. Use the UFSAR PCT/ECR predictions as a baseline for the future evaluations.
3. Change, error^o or operation ~~which~~ ^{that} results in any predicted response ~~to exceeding~~ ^{exceeding} acceptance criteria. X

The licensee must:

- a. Take immediate actions to bring ^{the} plant into compliance with acceptance criteria. X
- b. Report the change, error^o or operation under §§ 50.55(e), 50.72, and 50.73, as applicable.
- c. Submit a 30-day report documenting the change(s), error(s), or operation, estimated magnitude^s of changes in predicted results, and the schedule for providing a new AOR. The NRC will review the new AOR. X
- d. Revise ^{the} UFSAR to include new AOR. X

e. Use the UFSAR PCT/ECR predictions as ^{the} a baseline ^s for the future evaluations. X

The proposed reporting paragraph (m) reflects reformatting of the current reporting provisions in order to separately identify these three scenarios and clarify their respective requirements.

The proposed rule would also add the requirement to report results of breakaway oxidation measurements to the NRC. The licensees would be required to measure breakaway oxidation prior to each reload batch, and report the measurements within the calendar year following the testing. The breakaway oxidation phenomenon is explained in detail in sub-section B.3, "Breakaway Oxidation" of this section, "Proposed Requirements for ECCS Performance During LOCAs." This reporting requirement would be specific to zirconium-alloy cladding and may not be applicable to other cladding materials.

D. Consideration of PRM-50-84: Thermal Effects of Crud and Oxide Layers

Determination of PRM

This proposed rule would address issues raised in a PRM ^{that} which was submitted on March 15, 2007, and docketed as PRM-50-84. The petition requests that the NRC conduct rulemaking in three specific areas: X

1) Establish regulations that require licensees to operate light-water power reactors under conditions that are effective in limiting the thickness of crud and/or oxide layers on zirconium-clad fuel in order to ensure compliance with § 50.46(b) ECCS acceptance criteria;

2) Amend Appendix K to Part 50 to explicitly require that the steady-state temperature distribution and stored energy in the reactor fuel at the onset of the postulated LOCA be calculated by factoring in the role that the thermal resistance of crud deposits and/or oxide layers plays in increasing the stored energy in the fuel. (These requirements also need to apply

to evaluate the effects of increased crud levels; therefore, detailed LOCA reanalysis may not be required. In other cases, engineering judgment is used to determine that new analyses would be performed to determine the effect the new crud conditions have on the final calculated results. If unanticipated or unanalyzed levels of crud are discovered, then the licensee must determine if correct consideration of crud levels would result in a reportable condition as provided in the relevant reporting paragraphs. Should ^{this} proposed rule be adopted in final form, the NRC believes this regulatory approach to address crud and oxide accumulation during plant operation would satisfactorily address the issues raised by the petitioner's first request. X

The formation of cladding crud and oxide layers is an expected condition at nuclear power plants. Although the thickness of these layers is usually limited, the amount of accumulated crud and oxidation varies from plant to plant and from one fuel cycle to another. Intended or inadvertent changes to plant operational practices may result in unanticipated levels of crud deposition. The NRC agrees with the petitioner (the petitioner's second request) that crud and/or oxide layers may directly increase the stored energy in reactor fuel by increasing the thermal resistance of cladding-to-coolant heat transfer, and may also indirectly increase the stored energy through an increase in the fuel rod internal pressure. As such, to ensure that licensee ECCS models properly account for the thermal effects of crud and/or oxide layers that have accumulated during operations at power, the proposed rule would add a requirement to evaluate the thermal effects of crud and oxide layers that may have accumulated on the fuel cladding during plant operation. If the NRC adopts the proposed rule in final form, then the second request of PRM-50-84 would be resolved.

The petitioner's third request is for the NRC to establish a maximum allowable percentage of hydrogen content in fuel rod cladding. The purpose of this request is to prevent embrittlement of fuel cladding during a LOCA. Although ^{the} NRC has decided not to propose X

the specific rule language recommended by petitioner, the proposed new zirconium-specific requirements, if adopted in final form, would address the petitioner's third request by considering cladding hydrogen content in the development of analytical limits on integral time at temperature.

The NRC believes that this proposed rule addresses each of the three issues raised in PRM-50-84. If the NRC adopts the proposed rule in final form, ~~then~~ PRM-50-84 would be granted in part and resolved. X

E. Implementation

The proposed rule would specify the date for compliance with the rule for existing operating license holders as well as holders of new reactor construction permits, combined licenses, and applicants for standard design certifications. For existing operating nuclear power reactors, this includes a staged schedule for implementation. The NRC has developed this staged implementation to improve the efficiency and effectiveness of this migration toward the new ECCS requirements for the existing operating fleet. As part of this plan, licensees have been divided among three implementation tracks based upon existing margin to the revised requirements and anticipated level of effort to demonstrate compliance. The purpose of the staged implementation approach is to bring licensees into compliance as quickly as possible, while accounting for: 1) differences between realistic and Appendix K LOCA models; and 2) the level of effort and scope of analyses required for compliance. Table 1 provides an overview of the implementation schedule for the existing fleet. Note that the compliance schedule requirement represents the date that the licensee submits either the letter report or license amendment request (as opposed to the date of NRC approval). The proposed track assignments for every operating reactor is provided in Table 1 of proposed § 50.46c(o)(10).

Table 1: Implementation Plan

Implementation Track	Basis	Anticipated Level of Effort	Number of Plants		Compliance Demonstration
			BWR	PWR	
1	All plants which satisfy new requirements without new analyses or model revisions.	Low	27	38	No later than 24 months from effective date of rule
2	PWR plants using realistic LBLOCA models requiring new analyses. BWR/2 plants.	Medium	2	14	No later than 48 months from effective date of rule
3	PWR plants using Appendix K LB and SB models requiring new analyses. BWR/3 plants.	Medium - High	6	17	No later than 60 months from effective date of rule

To support the implementation of the proposed requirements on individual plant docket, fuel vendors would be encouraged to submit for NRC review alloy-specific hydrogen uptake models and any LOCA model updates (e.g., incorporation of CP weight gain correlation) no later than 12 months from the effective date of the final rule. Upon approval, these models and methods could be used to demonstrate the ECCS performance against the new analytical limits.

For Track 1 plants which would not require new ECCS evaluations, licensees should complete any necessary engineering calculations, update their plant UFSAR, and provide a letter report to the NRC documenting compliance with § 50.46c. The NRC recognizes that to demonstrate compliance, these plants would need to utilize newly-approved hydrogen uptake models and integrate time at temperature using the CP weight gain correlation (for Appendix K models).

For any plant ^{that} ~~which~~ would require a new ECCS evaluation, including adopting a

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previously approved realistic evaluation model, ^{revising an} ~~revisions to~~ existing evaluation model, ^{performing a} new
LOCA break spectrum analysis, ^{performing a} multiple rod survey (e.g., BU – rod power tradeoff), ^{or making changes to a} technical
specification or core operating limit report (COLR) ^{changes}, licensees would need to submit the
new LOCA AOR and, where applicable, a license amendment request updating ^{the} COLR list of
approved methods. X
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The NRC has developed a phased implementation approach for applicants and holders
of standard design approvals, design certifications, combined operating licenses and
manufacturing licenses granted under Part 52. X

The proposed implementation plan for reactors approved under Part 52 would allow the
applicant for a design certification, standard design approval, or manufacturing license either
submitted to or docketed by the NRC prior to the effective date of the rule, to come into
compliance with the rule at the time of any application for renewal. X

An applicant for a design certification, standard design approval, or manufacturing
license submitted or docketed after the effective date of the rule must comply with the provisions
of the rule.

The holder of a combined license granted prior to the effective date of the rule would be
permitted to operate the plant for one fuel cycle before demonstrating compliance with the rule.
Doing so would permit adequate time to submit demonstration of compliance with the rule prior
to achieving fuel burnup for which the cladding limitations are imposed by the rule. In this case
the holder of the combined operating license would be required to remain in compliance with the
ECCS performance acceptance criteria in place at the time the combined operating license was
granted.

Applicants for combined licenses docketed after the effective date of the rule must
comply with the provisions of the rule.

The proposed rule reflects the NRC's determination that reactor designs reviewed and approved under Part 52 should have the same constraints as the reactors operating under Part 50 with respect to development, submittal and approval of ECCS performance models necessary to demonstrate compliance with this rule. Alloy-specific hydrogen uptake models and all ECCS performance model updates would be expected to be submitted in a timely manner for NRC review and approval so that demonstration of the ECCS performance with respect to the analytical limits would not impact plant operation more than is necessary.

The proposed rule also reflects the NRC's expectation that, for new reactors licensed to operate prior to the effective date of the rule, operation ^{for} at least the initial fuel cycle using fuel ~~which~~ ^{that} has not been analyzed under the proposed rule's provisions accounting for burn-up effects ~~does~~ does not present an adequate protection concern. During the initial fuel cycle, the NRC believes that burn-up effects would not be limiting, and the current ECCS rule's acceptance criteria are sufficient during the initial fuel cycle to provide reasonable assurance of adequate protection with respect to overall ECCS performance.

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VI. Section-by-Section Analysis

The organization and CFR designations of the NRC's requirements governing emergency core cooling (currently in § 50.46) and reactor cooling venting systems (currently in § 50.46a) are expected to change. These changes would result from:

- 1) The current schedule for Commission serial adoption of two rulemakings: i) the finalization of the proposed rule on risk-informed changes to ECCS systems, currently referred to as the § 50.46a rulemaking, followed by; ii) the finalization of this proposed rule on performance-based changes to ECCS requirements and cladding acceptance criteria, currently referred to as the § 50.46c rulemaking;

- 2) The proposed schedule for implementation of these rules; and
- 3) The need to maintain current requirements in place for those reactors ^{that} ~~which~~ have not transitioned to the new requirements under the implementation schedule to be specified in the final rule. X

The following table shows how the organization and CFR designation of these rules will evolve, if the NRC sequentially adopts the two final rules⁹, and licensees complete implementation of the alternate cladding requirements. The NRC notes that, in an SRM dated April 26, 2012 (ADAMS Accession No. ML12117A121), the Commission approved the NRC staff's request to withdraw SECY-10-0161, "Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements (10 CFR 50.46a)," from Commission consideration (ADAMS Accession No. ML121500380). The NRC does not plan to publish a notice in the *Federal Register* withdrawing the § 50.46a proposed rule. The NRC staff plans to resubmit the draft final rule for Commission consideration in conjunction with the Near-Term Task Force Recommendation 1 activities. Therefore, the § 50.46a rulemaking still may be finalized before the § 50.46c rulemaking, as assumed in the following table. X

Existing NRC Requirements and Proposed New Regulations (Bolded rules are currently in effect)	Rulemaking and Implementation Activities		
	Adoption of Final Risk-Informed ECCS Requirements (§ 50.46a)	Initial Codification of Final Performance-Based Fuel Cladding Requirements	End of phased implementation period for performance-based cladding requirements
§ 50.46 ECCS Acceptance Criteria	§ 50.46 ECCS Acceptance Criteria (<i>unchanged</i>)	§ 50.46 ECCS Acceptance Criteria (<i>unchanged</i>)	§ 50.46 ECCS Acceptance Criteria (<i>see discussion for § 50.46c under this column</i>)
Risk-Informed ECCS Requirements (<i>currently designated in final rulemaking package as § 50.46a</i>)	§ 50.46a Risk-Informed ECCS Requirements	§ 50.46a Risk-Informed ECCS Requirements	§ 50.46a Risk-Informed ECCS Requirements

§ 50.46a Reactor Coolant Venting Systems	Redesignated as § 50.46b	NA (Redesignation as § 50.46b completed)	NA (Redesignation as § 50.46b completed)
Performance-based ECCS and Cladding Requirements <i>currently designated in draft proposed rulemaking package as § 50.46c</i>	NA	§ 50.46c Alternate Fuel Cladding Requirements	NA (administrative rulemaking would: (i) remove superseded fuel cladding requirements in § 50.46; and (ii) redesignate § 50.46c as § 50.46.)

A. Section 50.46c - Heading

A new section, § 50.46c, would be created in 10 CFR Part 50 by this rulemaking. The heading of § 50.46c would be "Emergency core cooling system performance during loss-of-coolant accidents."

B. Section 50.46c(a) - Applicability

Paragraph (a) would define the applicability of the proposed rule, which remains limited to LWRs, but would be expanded beyond fuel designs consisting of uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding. The proposed rule would also be applicable to applicants for and holders of construction permits, operating licenses, combined licenses, and standard design approvals, and also to applicants for certified designs and for manufacturing licenses.

C. Section 50.46c(b) - Definitions

Paragraph (b) would provide definitions for terms used in this section. The definitions of *Loss-of-coolant accident* and *Evaluation model* would remain unchanged from those currently located in § 50.46(c)(1) and (c)(2), respectively.

191. Demonstration of consideration of such factors may also be achieved through analytical models that adequately represent the empirical data obtained regarding debris deposition.

In addition, paragraph (d)(2)(iv) of the proposed rule would specifically require that ECCS performance be demonstrated for both the accident¹ and the post-accident recovery and recirculation period. X

Paragraph (d)(2)(v) would require that the ECCS model¹ address the fuel system modeling requirements in paragraph (g)(2) if the reactor uses uranium oxide or mixed uranium-plutonium oxide pellets within zirconium cladding (e.g., currently operating reactors). X

Paragraph (d)(3) would provide the evaluation model documentation requirements currently provided in Appendix K, Section II, "Required Documentation."

Paragraphs (e) and (f) would be added to reserve rulemaking space for future amendments to § 50.46c.

F. Section 50.46c(g) – Fuel system designs: uranium oxide or mixed uranium-plutonium oxide pellets within cylindrical zirconium-alloy cladding

This section would be added to set forth fuel design specific analytical limits and performance-based requirements by which to judge the overall ECCS performance in accordance with paragraph (d)(1) for LWRs using uranium oxide or mixed uranium-plutonium oxide pellets within cylindrical zirconium alloy cladding. The fuel performance criteria in paragraph (g)(1) and fuel system modeling requirements in paragraph (g)(2) are based on the established degradation mechanisms and performance objectives for this specific fuel type.

Paragraph (g)(1)(i) would establish an analytical limit on peak cladding temperature to avoid cladding embrittlement, high temperature failure modes, and run-away exothermic oxidation. Except as calculated in paragraph (g)(1)(ii), the calculated maximum fuel element

cladding temperature should not exceed 2200 °F. This requirement remains unchanged from the current requirement at § 50.46(b)(1).

Paragraph (g)(1)(ii) would require that the zirconium alloy cladding maintains sufficient post-quench ductility in order to avoid gross failure. This requirement replaces the current prescriptive analytical limit, 17 percent ECR, in § 50.46(b)(2).

Paragraph (g)(1)(iii) would be added to establish a performance-based requirement to preclude breakaway oxidation in order to avoid cladding embrittlement and gross failure. Breakaway oxidation is a new requirement relative to § 50.46(b).

Paragraph (g)(1)(iv) would establish an analytical limit on maximum hydrogen generation to avoid an explosive concentration of hydrogen gas. This requirement would be the same as that of the current regulation in § 50.46(b)(3).

Paragraph (g)(1)(v) would be added to establish a performance-based requirement to ensure acceptable fuel performance during long-term cooling. This performance requirement is consistent with the current requirement to “maintain the calculated core temperature at an acceptably low value” located in § 50.46(b)(5).

Paragraph (g)(2) would establish fuel design specific modeling requirements ~~necessary~~ *that are needed* ^X in addition to the generic ECCS evaluation model requirements in paragraph (d)(2). Paragraph (g)(2)(i) would require consideration of oxygen diffusion from the cladding inside surface. This would be a new evaluation model requirement.

Paragraph (g)(2)(ii) would be added to include a requirement to evaluate the thermal effects of crud and oxide layers that may have accumulated on the fuel cladding during plant operation.

Paragraphs (h) through (j) would be added to reserve rulemaking space for future amendments to § 50.46c, including any changes that stem from using newly designed fuel and cladding materials.

G. Section 50.46c(k) – Use of NRC-approved fuel in reactor.

Paragraph (k) would prohibit licensees from loading fuel into a reactor, or operate^{ing} the reactor, unless the licensee either determines that the fuel meets the requirements in paragraph (d), or complies with technical specifications governing lead test assemblies in its license. X

H. Section 50.46c(l) – Authority to impose restrictions on operation.

Paragraph (l) would provide that the Director of the Office of Nuclear Reactor Regulation or the Director of the Office of New Reactors may impose restrictions on reactor operation if it is found that the evaluations of ECCS cooling performance submitted are not consistent with the requirements of this section. The authority to impose restrictions would be expanded, relative to the authority currently granted in § 50.46(a)(2), to address licenses issued under 10 CFR Part 52.

I. Section 50.46c(m) - Reporting.

Paragraph (m)(1) would establish required action and reporting requirements if a licensee identifies any change^(s) or error⁽ⁿ⁾ in an evaluation model or the application of such a model, or any operation inconsistent with the evaluation model. For clarity, this paragraph was divided into three categories of changes or errors, each with its own proposed actions and reporting. These requirements are unchanged from the current § 50.46(a)(3), with the exception of conforming to analytical limits established in the proposed rule. X

Paragraph (m)(1)(i) would establish required action and reporting requirements if a licensee identifies any change to or error in an evaluation model or the application of such a model, or any operation inconsistent with the evaluation model ^{that} which does not result in any predicted response ^{that} which exceeds any acceptance criteria and is itself not significant.

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Paragraph (m)(1)(ii) would establish required action and reporting requirements if a licensee identifies any change to or error in an evaluation model or the application of such a model, or any operation inconsistent with the evaluation model ^{that} which does not result in any predicted response ^{that} which exceeds any acceptance criteria but is significant (as defined in paragraph (m)(2)).

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Paragraph (m)(1)(iii) would establish required action and reporting requirements for a licensee who identifies any change to or error in an evaluation model.

Paragraph (m)(1)(iv) would require an amendment to ^a the design certification application reflecting any reanalysis required by paragraph (m)(1)(ii) or (m)(1)(iii) ^{to} be submitted by the applicant in concert with the reanalysis.

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Paragraph (m)(2) would be added to provide the definition of a significant change or error. The definition would be expanded, relative to the 50 °F change in calculated peak cladding temperature in § 50.46(a)(3)(i), to include a 0.4 percent ECR change in calculated cladding oxidation.

Paragraph (m)(3) would require the onset of breakaway oxidation to be measured for each reload batch, and would require any changes in the time to the onset of breakaway oxidation to be assessed against the integral time and to be reported annually. This would be a new reporting requirement.

Paragraph (n) would be added to reserve rulemaking space for future amendments to § 50.46c.

Similar to the requirements of paragraph (o)(5), such applicants will have had ample time necessary to comply with the provisions of the rule.

Paragraph (o)(7) would require standard design certifications, standard design approvals, and manufacturing licenses, along with new branches of certifications under Part 52 whose applications are pending as of the effective date of the rule to comply with § 50.46c no later than the time of renewal. Those entities that are in the approval process at the time the rule becomes effective will be required to comply at time of renewal. This will provide ample time to develop and receive approval for the methodologies necessary to comply with the rule.

Paragraph (o)(8) would require combined licenses under Part 52 that are docketed after the effective date of the rule to comply with the provisions of the rule.

Paragraph (o)(9) would require applications for combined licenses under Part 52 that are docketed or issued after the effective date of the rule to comply with § 50.46c no later than completion of the first fueling outage after the initial fuel load. Those entities ^{that issued} ~~which are granted~~ combined licenses prior to the effective date of the rule must comply with the rule no later than the first refueling outage after initial fuel load. This affords those entities ample time to develop and submit the necessary methodologies.

K. 10 CFR Part 50, Appendix K ECCS evaluation models.

In Appendix K, a new paragraph II.6 would be added to clarify that, for those entities that have implemented § 50.46c, the requirements for documentation are located within § 50.46c(d)(3).

L. Redesignation of Venting Requirements in Section 50.46a

This proposed rule would redesignate the current § 50.46a, "Acceptance criteria for

reactor coolant system venting systems,” as proposed § 50.46b. A new section 50.46a would be added and reserved for future use as the rulemaking to provide a risk-informed alternative to the LOCA technical requirements.

M. Conforming changes throughout 10 CFR Parts 50 and 52

Several administrative changes would be made throughout 10 CFR Parts 50 and 52 in order to conform with the proposed rule and proposed redesignation of the venting requirements in current § 50.46a. Section 50.8 would be amended to add the proposed rule to the list of approved information collections. Where §§ 50.34(a)(4), 50.34(b)(4), 52.47(a)(4), 52.79(a)(5), 52.137(a)(4), and 52.157(f)(1) refer to § 50.46, the proposed rule would add “and § 50.46c, as applicable.” Where §§ 50.34(a)(4), 52.47(a)(4), 52.79(a)(5), 52.137(a)(4), and 52.157(f)(1) refer to § 50.46a, the proposed rule would instead refer to § 50.46b.

VII. Specific Request for Comments on the Proposed Rule

In addition to the general opportunity to submit comments on the proposed rule, the NRC also requests comments on the following questions:

NRC Question 1. To address the breakaway oxidation phenomenon, the NRC proposes to add a performance-based requirement in § 50.46c(g)(1)(iii) that the licensee measure the onset of breakaway oxidation periodically on manufactured cladding material and to report any changes in the onset of breakaway oxidation at least annually. This requirement, along with a periodic test requirement (defined as each reload batch in the proposed rule language), would confirm that slight composition changes or manufacturing changes have not inadvertently altered the cladding’s susceptibility to breakaway oxidation. The NRC is considering adopting, as a final rule, a requirement that each licensee measure breakaway oxidation behavior for

each re-load batch. The NRC requests specific comment on the type of data reported and the proposed frequency of required testing. The objective of periodic testing is to prevent ^a affected fuel from being loaded into a reactor. At the same time, the objective is to do so without adding ineffective and unnecessary burden. Therefore, other sampling approaches may be more effective. For example, should the licensee be required to report data relevant solely to their reload fuel batch or should the licensee be able to report representative data based on periodic testing (e.g., test every 10,000 rods, tubing lot, or ingot) of the same zirconium-based alloy cladding compiled during the period from the last report[?]

NRC Question 2. The NRC is proposing, in § 50.46c(o), a staged implementation plan for the proposed rule. As part of this plan, licensees have been divided among three implementation tracks based upon existing margin to the revised requirements and anticipated level of effort to demonstrate compliance. The NRC requests specific comment on the staged implementation plan, track assignments, or alternative means to implement the requirements of the proposed rule.

NRC Question 3. The NRC is proposing, in § 50.46c(o)(5) through (9), an implementation approach ^{that} which takes into account various combinations of design certification, standard design approvals, manufacturing licenses and combined operating licenses, and their status in relation to the effective date of the rule. The proposed implementation plan for new reactors would allow the applicant for a design certification, standard design approval, and manufacturing license under review at the time of the effective date of the rule to come into compliance with the rule at time of renewal. The holder of a combined operating license issued prior to the effective date of the rule would be permitted to operate the plant for one fuel cycle before coming into compliance with the rule. Thus, the NRC is proposing to recognize that new reactors may operate for the initial fuel cycle with fuel for which the burnup effects being

accounted for in the rule would not be a consideration. Applications for design certifications, standard design approvals, manufacturing licenses and combined licenses submitted after the effective date of the rule would be expected to be in compliance with the rule at the time of approval.

The NRC is requesting input regarding this implementation proposal and if there is a simpler approach that could be taken.

NRC Question 4. Paragraph (g)(1)(v) of the proposed rule would require that a specified and NRC-approved limit on long-term peak cladding temperature be established which preserves a measure of cladding ductility throughout the period of long term demonstration (e.g., 30 days). The current regulation ^{at} § 50.46(b)(5) stipulates that long-term temperature be maintained "at an acceptably low value." The proposed rule would define the performance-based metric to judge an acceptably low temperature. Ductility is a favorable material property and its preservation provides a degree of assurance that the fuel rods will maintain their coolable bundle array. The NRC is requesting input regarding this performance objective to determine if this is the most suitable performance-based metric to demonstrate long-term cladding performance. X

Alternatively, the proposed rule could establish an analytical limit of long-term fuel rod cladding temperature related to observed corrosion behavior. For example, the Pressurized Water Reactor Owners Group (PWROG) has applied as a long-term core cooling acceptance criterion that the cladding temperature be maintained below 800 °F. Doing so will ensure that additional corrosion and hydrogen pickup over a 30-day period will not significantly affect cladding properties. Topical Report (TR) WCAP-16793-NP, Revision 1, "Evaluation of Long-Term Cooling Considering Particulate, Fibrous and Chemical Debris in the Recirculating Fluid," Appendix A (ADAMS Accession No. ML091190484). The NRC seeks comment on this

acceptance criterion and if there is justification for a different temperature limit.

NRC Question 5. The NRC is considering the cumulative effects of regulation (CER) as it relates to this rulemaking. The CER consists of the challenges licensees face in addressing the implementation of new regulatory positions, programs, and requirements (e.g., rulemaking, guidance, generic letters, backfits, inspections). The CER stems from the total burden imposed on licensees by the NRC from simultaneous or consecutive regulatory actions that can adversely affect the licensee's capability to implement those requirements while continuing to operate or construct its facility in a safe and secure manner.

During the development of this proposed rulemaking, the NRC engaged external stakeholders through multiple public meetings, an ANPR, and public comments. Additionally, the proposed rule would establish a staged implementation plan which reduces overall implementation burden on licensees.

With regard to CER, the NRC requests specific comment on the proposed rule's implementation schedule in light of any existing CER challenges specifically:

a. Does the proposed rule's effective date, compliance date, or submittal dates provide sufficient time to implement the new proposed requirements including changes to programs, procedures, and the facility, in light of any ongoing CER challenges?

b. If there are ongoing CER challenges, what do you suggest as a means to address this situation (e.g., if more time is required for implementation of the new requirements, what time period is sufficient)?

c. Are there unintended consequences (e.g., does the proposed rule create conditions that would be contrary to the proposed rule's purpose and objectives)? If so, what are the unintended consequences? Please comment on the NRC's cost and benefit estimates in the proposed rule regulatory analysis. Specifically, please comment on the vendor hydrogen

TR WCAP 16793-NP, Revision 1, "Evaluation of Long-Term Cooling Considering Particulate, Fibrous, and Chemical Debris in the Recirculating Fluid," Appendix A	X	ML091190484	
PWROG ECCS Analysis Report	X	ML11139A309	
BWROG ECCS Analysis Report	X	ML111950139	
ECCS Audit Report	X	ML12041A078	
Supplement to RIL-0801, "Technical Basis for Revision of Embrittlement Criteria in 10 CFR 50.46 ^g "	X	ML113050484	
NUREG-2119, "Mechanical Behavior of Ballooned and Ruptured Cladding"	X	ML12048A475	
§ 50.46c and PRM-50-71 Comment Response Document	X	ML112520303	
Regulatory Analysis	X	ML112520277	
Proposed Rule Information Collection Analysis	X	ML112520328	
Draft Regulatory Guide 1261, "Conducting Periodic Testing for Breakaway Oxidation Behavior"	X	ML110840089	
Draft Regulatory Guide 1262, "Testing for Post Quench Ductility"	X	ML110840283	
Draft Regulatory Guide 1263, "Establishing Analytical Limits for Zirconium-Based Alloy Cladding"	X	ML110871607	
Request to Withdraw 50.46a from Commission Consideration	X	ML121500380	
Staff Requirements – SECY-10-0161 – Final Rule: Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements (10 CFR 50.46a) (RIN 3150-AH29)	X	ML12117A121	

X

X. Criminal Penalties

For the purposes of Section 223 of the Atomic Energy Act of 1954, as amended (AEA), the NRC is issuing the proposed rule to amend § 50.46 under one or more sections of 161b, 161i, or 161o of the AEA. Willful violations of the rule would be subject to criminal enforcement. Criminal penalties, as they apply to regulations in Part 50 are discussed in § 50.111.

X

XI. Agreement State Compatibility

Under the Policy Statement on Adequacy and Compatibility of Agreement States

Programs, approved by the Commission on June 20, 1997, and published in the FR (62 FR 46517; September 3, 1997), this rule is classified as compatibility ANRC.

Compatibility is not required for Category ANRC regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the AEA or the provisions of Title 10 of the CFR, and although an Agreement State may not adopt program elements reserved to the NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular States administrative procedure laws, but does not confer regulatory authority on the State.

X

XII. Plain Language

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. Although regulations are exempt under the act, the NRC is applying the same principles to its rulemaking documents. Therefore, the NRC has written this document, including the proposed new and amended rule language, to be consistent with the Plain Writing Act. In addition, where existing rule language must be changed, the NRC has rewritten that language to improve its organization and readability. The NRC requests comment on the proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the NRC as explained in the ADDRESSES section of this document.

XIII. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104-113, requires that Federal agencies use technical standards that are developed or adopted by

always ensure post-quench ductility (PQD). Further, the proposed amendment would expand the applicability of § 50.46 to all fuel design and fuel cladding materials. In addition, this proposed rule would address the issues raised in two PRMs (docketed as PRM-50-71 and PRM-50-84).

The Need for Action:

The proposed action is needed in response to recent research into the behavior of fuel cladding under LOCA conditions. This research, as discussed in Section II, "Background" of the statements of consideration for this proposed rule, indicated that the current combination of peak cladding temperature (2200 °F (1204 °C)) and local cladding oxidation criteria do not always ensure post-quench ductility (PQD). The research also identified previously unknown embrittlement mechanisms. The proposed action would replace the limits on peak cladding temperature and local oxidation with specific cladding performance requirements and acceptance criteria ^{that} which ensure that an adequate level of cladding ductility is maintained throughout the postulated LOCA. x

The proposal to expand applicability to all light-water nuclear power reactors, regardless of fuel design or cladding material used, will allow for the development and use of cladding materials other than zircaloy and ZIRLO™. Under the current § 50.46, licensees that use different types of cladding material are required to request NRC approval for an exemption from the rule, in accordance with § 50.12.

Lastly, the proposed rule would require licensees to take into account the deposition of crud on the fuel cladding during plant operation. This change addresses PRM 50-84.

Environmental Impacts of the Proposed Action:

This environmental assessment focuses on those aspects of the proposed rulemaking ^{through} ~~in~~ which the revised requirements could potentially affect the environment. The NRC has concluded that there will be no significant radiological environmental impacts associated with the implementation of the proposed rule requirements for the following reasons:

1) The proposed amendments to the ECCS requirements of § 50.46c are unrelated to the integrity of reactor coolant system piping whose sudden failure would initiate a LOCA.

Therefore, the proposed rule does not affect the probability of an accident.

2) The proposed amendments to the Part 50 ECCS requirements are unrelated to the systems, structures ~~and components~~ ^{that} ~~which~~ mitigate the consequences of a LOCA. These proposed amendments, if approved, would revise and expand the performance requirements for which the ECCS response is judged. With these enhancements, the reactor core would remain coolable. Therefore, the consequences of a postulated LOCA are not changed by the proposed rule.

3) The proposed amendments to the Part 50 ECCS requirements would not impact a facility's release of radiological effluents during and following a postulated LOCA. Therefore, the rule does not affect the amount of effluent released as a result of a possible accident.

This proposed rulemaking would amend calculated evaluation models used to assess the emergency core cooling system's response to a postulated LOCA. The rulemaking would not affect any other procedures used to operate the plant, nor alter the plant's geometry or construction. Further, the proposed amendments would ensure post quench ductility and core coolability following a postulated LOCA, and as such, would not affect the dose to any plant workers following postulated accidents. Similarly, dose to any individual member of the public would not be affected.

For the reasons discussed, the action will not significantly increase the probability or consequences of accidents, nor result in changes being made in the types of any effluents that may be released off-site, and there would be no increase in occupational or public radiation exposure.

With regard to potential nonradiological impacts, the proposed rule would have no significant impact on the environment. The proposed rule to revise and expand the ECCS performance requirements would be applied by an NRC nuclear reactor power plant licensee to the restricted area of its facility only, and in many cases would not result in any physical changes to the plant. Restricted areas of nuclear power plants are industrial portions of the facility constructed upon previously disturbed land, to which access is limited to authorized personnel. As such, it is extremely unlikely that the proposed amendments, if approved, would create any significant impact on any aquatic or terrestrial habitat in the vicinity of the plant, or to any threatened, endangered, or protected species under the Endangered Species Act, or have any impacts to essential fish habitat covered by the Magnuson-Steven's Act. Similarly, it is extremely unlikely that there will be any impacts to socioeconomic, or to historic properties and cultural resources.

The proposed amendments would not affect the facility, structures, systems and components (SSCs) or operator actions. Therefore, there would be no significant nonradiological environmental impacts associated with the proposed action.

Licensee compliance with the proposed amendments would require an additional license amendment. A National Environmental Policy Act analysis would be conducted for each licensee-specific license amendment review.

An estimate of the number of annual responses: 301

The estimated number of annual respondents: 71 during the first three years of implementation; a total of 115 will be impacted by the rule.

An estimate of the total number of hours needed annually to complete the requirement or request: 47,858 hours (48,058 hours reporting and -200 hours recordkeeping)

Abstract:

resulting from eliminating the need for exemptions

The NRC is proposing to amend its regulations to revise the acceptance criteria for the emergency core cooling system (ECCS) for light-water nuclear power reactors as currently required by 10 CFR Part 50. The rule would establish a five-year staged implementation approach to improve the efficiency and effectiveness of the migration to the new ECC requirements. As the first step, vendors will develop, and submit to the NRC for review via topical reports, hydrogen pickup models and LOCA model updates. The vendors would also obtain post-quench ductility (PQD) analytical methods by either selecting analytical limits provided in a regulatory guide, using an NRC-approved experimental approach, or using an experimental approach developed by the vendor. Those PQD limits developed via an experimental method would be submitted to the NRC via a topical report. The vendors would also perform long-term cooling tests to determine long-term cooling limits for each of the nine cladding alloys. In addition, vendors would perform initial breakaway testing. The licensees would report the initial breakaway results to the NRC via their license amendment request. Those licensees that meet the new requirements without new analyses or model revisions would complete any necessary engineering calculations, update their plant UFSAR, and provide a letter report to the NRC documenting compliance. Those licensees ^{that} ~~which~~ would require new analyses or model revisions to demonstrate compliance would be required to submit a new LOCA analysis of record. The rule would also require licensees to conduct periodic breakaway

testing, and include those results in the yearly ECCS report. Lastly, the rule would add a requirement to report errors in ECR to the NRC. This would be submitted within the same yearly ECCS report.

The NRC is seeking public comment on the potential impact of the information collections contained in this proposed rule ~~(or proposed policy statement)~~^e and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?
2. Is the estimate of burden accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques?

The public may examine and have copied, for a fee, publicly available documents, including the draft supporting statement, at the NRC's Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, Maryland, 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Send comments on any aspect of these proposed information collections, including suggestions for reducing the burden and on the previously stated issues, by **[INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]** to the Information Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet electronic mail to INFOCOLLECTS.Resource@nrc.gov and to the Desk Officer, Chad

entities" set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

XVIII. Backfitting and Issue Finality

Proposed 10 CFR 50.46c Rule

The proposed rule, 10 CFR 50.46c, would apply to current nuclear power plant licensees (including holders of renewed licenses). The proposed rule would apply to all current and future applicants for combined licenses under Part 52 regardless of fuel design or cladding material, including all current and future applicants for combined licenses under Part 52 that reference one of the existing standard design certification rules in Part 52, Appendices A through D. The proposed rule would apply to all current and future applicants for LWR standard design certification rules under Part 52. Finally, the proposed rule would apply to all future applicants for manufacturing licenses under Part 52 (there are no current applicants or holders of manufacturing licenses). Each of these classes of licenses and regulatory approvals is discussed in the following sections.

Operating Licenses

With respect to current nuclear power plant licensees, the NRC assumes that imposition of the proposed rule would constitute backfitting as defined in § 50.109(a)(1). However, the NRC believes that the proposed rule must be imposed upon current nuclear power plant licensees in order to ensure adequate protection to the public health and safety by ^{maintaining} ~~restoring~~ that _{previously} level of protection (i.e., reasonable assurance of adequate protection) which the NRC ^{thought} would be achieved (throughout the entire term of licensed operation) by the current rule. Therefore, the NRC has determined that the proposed rule is necessary to ensure that the

facility provides adequate protection to the health and safety of the public, and that a backfit analysis as described in §§ 50.109(a)(3) and (b) need not be prepared under the exception in § 50.109(a)(4)(ii).

X

maintaining & restoring that level of protection previously

Imposing the redefinition of fuel cladding acceptance criteria on current nuclear power plant licensees is justified under the provisions of § 50.109(a)(4)(ii) as the requirements of the proposed rule are necessary to ensure adequate protection to the public health and safety by *maintaining & restoring that level of protection (i.e., reasonable assurance of adequate protection) which the NRC thought would be achieved (throughout the entire term of licensed operation) by the current rule.*

X

X

Information developed through the NRC's high burnup fuel research program has identified that the current criterion for preventing fuel cladding embrittlement may not be *adequate in the future* to ensure the health and safety of the public. As discussed in Sections II and V of this Statement of Considerations, zirconium-based alloy fuel cladding materials may be subject to embrittlement at a lower combination of temperature and level of oxygen absorption (17 percent) than currently allowed under § 50.46(b)(1) due to absorption of hydrogen during normal operation. The proposed rule would correct those limits initially established to prevent embrittlement of zirconium-based alloy cladding material based on the new research information. In addition, the research work has identified new phenomena, such as breakaway oxidation and oxygen diffusion from the cladding inside surfaces, which are believed to further adversely affect the fuel cladding embrittlement process. Thus, post quench ductility (which is necessary to ensure coolable core geometry)³ is not guaranteed following a postulated LOCA.

X

³ The Commission concluded, as part of the 1973 Emergency Core Cooling System rulemaking, that retention of ductility in the zircaloy cladding material was determined to be the best guarantee of its remaining intact during the hypothetical loss-of-coolant accident, thereby maintaining a coolable core geometry. See *Acceptance Criteria for Emergency Core Cooling Systems for Light-Water-Cooled Nuclear Power Reactors*, CLI-73-39, at page 1098 (December 28, 1973).

The proposed rule would establish new requirements for zirconium-based alloys to prevent breakaway oxidation and account for oxygen diffusion from the oxide fuel pellet during the operating life of the fuel. In sum, the NRC believes that imposing the requirements of the proposed rule is necessary to prevent embrittlement of fuel cladding and to ^{ensure that it} restore the rule ~~to~~ ^{maintains} ~~the level of~~ reasonable assurance of adequate protection to public health and safety. X
X

Combined License Applicants

Imposing the requirements of the proposed rule on current and future applicants for combined licenses under Subpart C of Part 52 would not constitute backfitting. Neither the Backfit Rule nor the finality provisions for combined licenses in §§ 52.83 or 52.98 protect either a current or prospective applicant for a combined license from changes in the NRC rules and regulations. The NRC has long adopted the position that the Backfit Rule does not protect current or prospective applicants from changes in NRC requirements or guidance because the policies underlying the Backfit Rule are largely inapplicable in the context of a current or future application. This position also applies to each of the issue finality provisions in Part 52.

Standard Design Certifications

Imposing the requirements of the proposed rule on current and future applicants for standard design certification rules would not constitute backfitting. Neither the Backfit Rule nor the finality provisions for final design certification rules in § 52.63 protect either a current or prospective applicant for a standard design certification rule from changes in the NRC rules and regulations.

Manufacturing Licenses

Imposing the requirements of the proposed rule on future applicants for manufacturing licenses would not constitute backfitting. The NRC has not issued any manufacturing licenses under Part 52, and neither the Backfit Rule nor the finality provisions for manufacturing licenses in § 52.171 protect a prospective manufacturing applicant from changes in the NRC rules and regulations.

Draft Regulatory Guides

The NRC is issuing, for public comment, three draft regulatory guides ^{that} ~~which~~ would support implementation of § 50.46c. These draft regulatory guides are DG-1261, "Conducting Periodic Testing for Breakaway Oxidation Behavior," (ADAMS Accession No. ML110840089), DG-1262, "Testing for Post Quench Ductility," (ADAMS Accession No. ML110840283), and DG-1263, "Establishing Analytical Limits for Zirconium-Based Alloy Cladding" (ADAMS Accession No. ML110871607). The draft regulatory guides provide guidance on compliance with those proposed new requirements for ECCS not contained in the current ECCS rule, 10 CFR 50.46. X

The first issuance of new guidance on a new rule provision⁴ does not constitute

⁴ The NRC notes that while the proposed 10 CFR 50.46c includes both "amended" requirements and "new" requirements, the three regulatory guides only provide "new" guidance on "new" § 50.46c requirements. By "new" requirements, the NRC means that these requirements have no analogue in the current ECCS rule. For example, the proposed § 50.46c(g)(1)(iii) criterion on breakaway oxidation is a "new" requirement because there is no provision in current § 50.46 requiring consideration of that phenomenon. By contrast, "amended," means that the proposed rule contains several requirements which have analogues to requirements in the existing rule but are being addressed differently. An example of an "amended" requirement would be proposed § 50.46c(d)(1), because that provision: (i) addresses, *in language which differs from the current rule's language*, matters which are addressed in the current rule, including § 50.46(a)(1)(i); and (ii) contains substantively different (proposed) requirements when compared to the current rule, but the proposed requirements are directed at technical matters already addressed in the current ECCS rule. For example, the proposed § 50.46c(g)(1)(iii) criterion on breakaway oxidation is a "new" requirement because there is no provision in current § 50.46 requiring consideration of that phenomenon. By contrast, "amended," means that the proposed rule contains

backfitting, inasmuch as: (i) the guidance on the new rule provision must be consistent with the regulatory requirements in the new rule provision; and (ii) the backfitting basis for the new rule provision should also be applicable to the issuance of guidance on that new rule provision. Therefore, the first issuance of new guidance addressing new provisions of § 50.46c does not constitute issuance of "changed" or "new" guidance within the meaning of the definition of "backfitting" in 10 CFR 50.109(a)(1), or constitute an action inconsistent with any of the issue finality provisions in 10 CFR Part 52. Accordingly, no further consideration of backfitting is needed to support issuance of the three new regulatory guides in final form.

List of Subjects

10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Backfitting, Combined license, Early site permit, Emergency planning, Fees, Inspection, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress

that
several requirements ~~which~~ have analogues to requirements in the existing rule but are being addressed differently. An example of an "amended" requirement would be proposed § 50.46c(d)(1), because *that* provision: (i) addresses, *in language which differs from the current rule's language*, matters ~~which~~ are addressed in the current rule, including § 50.46(a)(1)(i); and (ii) contains substantively different *that* (proposed) requirements when compared to the current rule, but the proposed requirements are directed at technical matters already addressed in the current rule.

5. A new § 50.46c is added to read as follows:

§ 50.46c Emergency core cooling system performance during loss-of-coolant accidents.

(a) *Applicability.* The requirements of this section apply to the design of a light water nuclear power reactor (LWR) and to the following entities who design, construct or operate an LWR: each applicant for or holder of a construction permit under this part, each applicant for or holder of an operating license under this part (until the licensee has submitted the certification required under 10 CFR 50.82(a)(1) to the NRC), each applicant for or holder of a combined license under 10 CFR part 52, each applicant for a standard design certification (including the applicant for that design certification after the NRC has adopted a final design certification rule), each applicant for a standard design approval under 10 CFR part 52, and each applicant for a manufacturing license under 10 CFR part 52.

(b) *Definitions.* As used in this section:

Breakaway oxidation, for zirconium-alloy cladding material, means the fuel cladding oxidation phenomenon in which weight gain rate deviates from normal kinetics. This change occurs with a rapid increase of hydrogen pickup during prolonged exposure to a high temperature steam environment, which promotes loss of cladding ductility.

Evaluation model means the calculational framework for evaluating the behavior of the reactor system (including fuel) during a postulated loss-of-coolant accident (LOCA). It includes one or more computer programs and all other information necessary for application of the calculational framework to a specific LOCA, such as mathematical models used, assumptions included in the programs, procedure for treating the program input and output information, specification of those portions of analysis not included in computer programs, values of

(ii) The ECCS provides sufficient coolant so that decay heat will be removed for the extended period of time required by the long-lived radioactivity remaining in the core.

(2) *ECCS performance demonstration.* ECCS performance must be demonstrated using an evaluation model meeting the requirements of either paragraph (d)(2)(i) or (d)(2)(ii), paragraph (d)(2)(iii), and paragraph (d)(2)(iv), and satisfy the analytical requirements in paragraph (d)(2)(v) of this section. The evaluation model must be reviewed and approved by the NRC.

(i) *Realistic ECCS model.* A realistic model must include sufficient supporting justification to show that the analytical technique realistically describes the behavior of the reactor system during a loss-of-coolant accident. Comparisons to applicable experimental data must be made and uncertainties in the analysis method and inputs must be identified and assessed so that the uncertainty in the calculated results can be estimated. This uncertainty must be accounted for, so that when the calculated ECCS cooling performance is compared to the applicable specified and NRC approved analytical limits, there is a high level of probability that the limits would not be exceeded. X

(ii) *Appendix K model.* Alternatively, an ECCS evaluation model may be developed in conformance with the required and acceptable features of appendix K ECCS Evaluation Models.

(iii) *Core geometry and coolant flow.* The ECCS evaluation model must address calculated changes in core geometry and must consider those factors that may alter localized coolant flow or inhibit delivery of coolant to the core.

(iv) *LOCA analytical requirements.* ECCS performance must be demonstrated for a

range of postulated loss-of-coolant accidents of different sizes, locations, and other properties, sufficient to provide assurance that the most severe postulated loss-of-coolant accidents have been identified. ECCS performance must be demonstrated for the accident, and the post-accident recovery and recirculation period.

(v) *Modeling requirements for fuel designs*^{g:} *uranium oxide or mixed uranium-plutonium oxide pellets within zirconium-alloy cladding.* If the reactor is fueled with uranium oxide or mixed uranium-plutonium oxide pellets within cylindrical zirconium-alloy cladding, then the ECCS evaluation model must address the fuel system modeling requirements in paragraph (g)(2) of this section. X

(3) *Required documentation.* Upon implementation of this section in accordance with paragraph (o) of this section, the documentation requirements of this paragraph apply and supersede the requirements in 10 CFR part 50, Appendix K, section II, "Required Documentation."

(i)(A) A description of each evaluation model must be furnished. The description must be sufficiently complete to permit technical review of the analytical approach, including the equations used, their approximations in difference form, the assumptions made, and the values of all parameters or the procedure for their selection, ~~as for example, in accordance with a specified physical law or empirical correlation.~~ ^{as for example, in accordance with a} *[examples are appropriate for guidance]* X

(B) A complete listing of each computer program, in the same form as used in the evaluation model, must be furnished to the Nuclear Regulatory Commission upon request.

(ii) For each computer program, solution convergence must be demonstrated by studies of system modeling or nodding and calculational time steps.

(1) *Fuel performance criteria.* Fuel consisting of uranium oxide or mixed uranium-plutonium oxide pellets within cylindrical zirconium-alloy cladding must be designed to meet the following requirements:

(i) *Peak cladding temperature.* Except as provided in paragraph (g)(1)(ii) of this section, the calculated maximum fuel element cladding temperature shall not exceed 2200 °F.

(ii) *Cladding embrittlement.* Analytical limits on peak cladding temperature and integral time at temperature shall be established ^{that} which correspond to the measured ductile-to-brittle transition for the zirconium-alloy cladding material based on an NRC-approved experimental technique. The calculated maximum fuel element temperature and time at elevated temperature shall not exceed the established analytical limits. The analytical limits must be approved by the NRC. If the peak cladding temperature, in conjunction with the integral time at temperature analytical limit, established to preserve cladding ductility is lower than the 2200 °F limit specified in paragraph (g)(1)(i) of this section, then the lower temperature shall be used in place of the 2200 °F limit. X

(iii) *Breakaway oxidation.* The total accumulated time that the cladding is predicted to remain above a temperature at which the zirconium-alloy has been shown to be susceptible to breakaway oxidation shall not be greater than a limit ^{that} which corresponds to the measured onset of breakaway oxidation for the zirconium-alloy cladding material based on an NRC-approved experimental technique. The limit must be approved by the NRC. X

(iv) *Maximum hydrogen generation.* The calculated total amount of hydrogen generated from any chemical reaction of the fuel cladding with water or steam shall not exceed 0.01 times

the hypothetical amount that would be generated if all of the metal in the cladding cylinders surrounding the fuel, excluding the cladding surrounding the plenum volume, were to react.

(v) *Long-term cooling.* An analytical limit on long-term peak cladding temperature shall be established ^{that} which corresponds to the measured ductile-to-brittle transition for the zirconium-alloy cladding material based on an NRC-approved experimental technique. The calculated maximum fuel element temperature shall not exceed the established analytical limit. The analytical limit must be approved the by NRC. X

(2) *Fuel system modeling requirements.* The evaluation model required by paragraph (d)(2) of this section must model the fuel system in accordance with the following requirement:

(i) If an oxygen source is present on the inside surfaces of the cladding at the onset of the LOCA, then the effects of oxygen diffusion from the cladding inside surfaces must be considered in the evaluation model.

(ii) The thermal effects of crud and oxide layers that accumulate on the fuel cladding during plant operation must be evaluated. For the purposes of this paragraph, crud means any foreign substance deposited on the surface of fuel cladding prior to initiation of a LOCA.

(h) [Reserved]

(i) [Reserved]

(j) [Reserved]

(k) *Use of NRC-approved fuel in reactor.* A licensee may not load fuel into a reactor, or operate the reactor, unless the licensee either determines that the fuel meets the requirements

of paragraph (d) of this section, or complies with technical specifications governing lead test assemblies in its license.

(l) *Authority to impose restrictions on operation.* The Director of the Office of Nuclear Reactor Regulation or the Director of the Office of New Reactors may impose restrictions on reactor operation if it is found that the evaluations of ECCS cooling performance submitted are not consistent with the requirements of this section.

(m) *Reporting.*

(1) Each entity subject to the requirements of this section, ^{that} which identifies any change to or error in an evaluation model or the application of such a model, or any operation inconsistent with the evaluation model or resulting noncompliance with the acceptance criteria in this section, shall comply with the requirements of this paragraph. X

(i) If an entity identifies a change, error, ^{that} or operation which does not result in any predicted response ^{that} which exceeds any acceptance criteria specified in this section and is itself not significant, then a report describing each such change, error, or operation and a demonstration that the error, change, or operation is not significant must be submitted to the NRC no later than 12 months after the change or discovery of the error, or operation. X
X
X

(ii) If a licensee identifies a change, error, ^{that} or operation which does not result in any predicted response ^{that} which exceeds any of the acceptance criteria but is significant, then a report describing each such change, error, or operation, and a schedule for submitting a reanalysis and implementation of corrective actions must be submitted within 30 days of the change, discovery of the error, or operation. X

(iii) If a licensee identifies a change, error, or operation ^{that} which results in any predicted response ^{that} which exceeds any of the acceptance criteria specified in this section to be exceeded at a facility with an operating license (or, in the case of a combined license under 10 CFR part 52, after the Commission has made the finding under 10 CFR 52.103(g)), then the licensee shall take immediate action to bring the facility into compliance with the acceptance criteria. In addition, the entity shall report the change, error, or operation under §§ 50.55(e), 50.72, and 50.73, as applicable, and submit a report describing each such change, error, or operation and a schedule for submitting a reanalysis and implementation of corrective actions within 30 days of the change, discovery of the error, or operation.

(iv) If a design certification applicant is required by paragraphs (m)(1)(ii) and (iii) of this section to submit a reanalysis, then that reanalysis must be accompanied by an application to amend the design certification application to reflect the reanalysis.

(2) For the purposes of this section, a significant change or error is one ^{that} which results in a calculated –

(i) Peak fuel cladding temperature different by more than 50 °F from the temperature calculated for the limiting transient using the last NRC-approved model, or is a cumulation of changes and errors such that the sum of the absolute magnitudes of the respective temperature changes is greater than 50 °F; or

(ii) Integral time at temperature different by more than 0.4 percent ECR from the oxidation calculated for the limiting transient using the last NRC-approved model, or is a cumulation of changes and errors such that the sum of the absolute magnitudes of the respective oxidation changes is greater than 0.4 percent ECR.

(3) Each holder of an operating license or combined license shall measure breakaway oxidation for each reload batch. The holder must report the results to the NRC annually (i.e., anytime within each calendar year), in accordance with § 50.4 or § 52.3 of this chapter, and evaluate the results to determine if there is a failure to conform or a defect that must be reported in accordance with the requirements of 10 CFR part 21.

(n) [Reserved]

(o) *Implementation.*

(1) Construction permits issued under this part after [EFFECTIVE DATE OF RULE] must comply with the requirements of this section at their issuance.

(2) Operating licenses issued under this part ^{that} ~~which~~ are based upon construction permits in effect as of [EFFECTIVE DATE OF RULE] (including deferred and reinstated construction permits) must comply with the requirements of this section by no later than the applicable date set forth in Table 1. Until such compliance is achieved, the requirements of § 50.46 continue to apply. [Watts Bar, Unit 2 needs to be entered into Table 1]

(3) Operating licenses issued under this part after [EFFECTIVE DATE OF RULE] must comply with the requirements of this section.

(4) Operating licenses issued under this part as of [EFFECTIVE DATE OF RULE] must comply with the requirements of this section by no later than the applicable date set forth in Table 1. Until such compliance is achieved, the requirements of § 50.46 continue to apply.

(5) Standard design certifications, standard design approvals, and manufacturing licenses under part 52 of this chapter, whose applications (including applications for

amendment) are docketed after **[EFFECTIVE DATE OF RULE]**, and new branches of these certifications whose applications are docketed after **[EFFECTIVE DATE OF RULE]** must comply with this section at their issuance.

(6) Standard design certifications under part 52 issued before **[EFFECTIVE DATE OF RULE]** must comply with this section by no later than their renewal. X

(7) Standard design certifications, standard design approvals, and manufacturing licenses under part 52 of this chapter issued after **[EFFECTIVE DATE OF RULE]** whose applications were pending as of **[EFFECTIVE DATE OF RULE]** and new branches of certifications issued after **[EFFECTIVE DATE OF RULE]** whose applications were pending as of **[EFFECTIVE DATE OF RULE]** must comply with this section by no later than their renewal.

(8) Combined licenses under part 52 of this chapter docketed after **[EFFECTIVE DATE OF RULE]** must comply with this section at their issuance.

(9) Combined licenses under part 52 of this chapter docketed or issued before **[EFFECTIVE DATE OF RULE]** must comply with this section no later than completion of the first refueling outage after initial fuel load. Until such compliance is achieved, the requirements in § 50.46 continue to apply.

Table 1: Implementation dates for Nuclear Power Plants with operating licenses and construction permits as of **[EFFECTIVE DATE OF RULE]**.

* * * * *

(a)

* * * *

(4) An analysis and evaluation of the design and performance of SSC^s with the objective of assessing the risk to public health and safety resulting from operation of the facility and including determination of the margins of safety during normal operations and transient conditions anticipated during the life of the facility, and the adequacy of SSCs provided for the prevention of accidents and the mitigation of the consequences of accidents. Analysis and evaluation of ECCS cooling performance and the need for high-point vents following postulated loss-of-coolant accidents shall be performed in accordance with the requirements of §§ 50.46, 50.46b, and 50.46c of this chapter, as applicable;

X

* * * * *

11. In § 52.157, paragraph (f)(1) is revised to read as follows:

§ 52.157 Contents of applications; technical information in the final safety analysis report.

* * * * *

(f)

* * *

(1) An analysis and evaluation of the design and performance of structures, systems, and components with the objective of assessing the risk to public health and safety resulting from operation of the facility and including determination of the margins of safety during normal

The PRM also requested changes to § 50.44. Those changes were addressed in a rulemaking ~~which~~ ^{that} revised that section (68 FR 54123; September 16, 2003) ^g to include risk-informed requirements for combustible gas control. The regulation was also modified to be applicable to all boiling or pressurized water reactors regardless of the type of fuel cladding material used. X

On March 31, 2003, in response to SECY-02-0057, "Update to SECY-01-0133, 'Fourth Status Report on Study of Risk-Informed Changes to the Technical Requirements of 10 CFR Part 50 (Option 3) and Recommendations on Risk-Informed Changes to 10 CFR 50.46 (ECCS Acceptance Criteria)," the Commission issued a staff requirements memorandum (SRM) (ADAMS Accession No. ML030910476) directing the NRC staff to move forward to risk-inform its regulations in a number of specific areas. Among other things, this SRM directed the staff to modify the ECCS acceptance criteria to provide a more performance-based approach to the ECCS requirements in § 50.46.

Separate from the effort to modify the regulations to provide a more risk-informed, performance-based regulatory approach, the NRC had also undertaken a fuel cladding research program to investigate the behavior of high exposure fuel cladding under accident conditions. This research program included an extensive LOCA research and testing program at Argonne National Laboratory (ANL), as well as jointly-funded programs at the Kurchatov Institute (supported by the French Institute for Radiological Protection and Nuclear Safety and the NRC) and the Halden Reactor project (a jointly-funded program under the auspices of the Organization for Economic Cooperative Development – Nuclear Energy Agency, sponsored by national organizations in 18 countries), to develop the body of technical information needed to support the new regulations.

The effects of both alloy composition and fuel burnup (the extent to which fuel is used in a reactor) on cladding embrittlement (i.e., loss of ductility) under accident conditions were studied in these research programs. The research programs identified new cladding embrittlement mechanisms and expanded the NRC's knowledge of previously identified

raised in the petition pertain to ECCS analysis and acceptance criteria, the need for rulemaking to address each of the petitioner's concerns will be addressed in this proposed rule.

I. Statement of the Problem and Objective

Statement of the Problem

The proposed action is needed in response to recent research by the Argonne National Laboratory, the Kurchatov Institute, and the Halden Reactor project into the behavior of fuel cladding under accident conditions, mainly a loss of coolant accident. This research indicated that the current combination of peak cladding temperature (2200 °F (1204 °C)) and local cladding oxidation criteria (17 percent) do not always ensure post quench ductility (PQD) following a postulated LOCA. The proposed action would replace the limits on peak cladding temperature and local oxidation with specific cladding performance requirements and acceptance criteria ^{that} ensure that an adequate level of cladding ductility is maintained throughout the postulated LOCA. The NRC developed three draft regulatory guides ^{that} ~~which~~ provide acceptable means of meeting the proposed performance requirements. X

The proposal to expand applicability to all light-water nuclear power reactors, regardless of fuel design or cladding material used, is necessary to account for the development of new fuel designs and cladding materials other than zircaloy and ZIRLO™. Under the current rule, licensees that use different types of cladding material are required to request NRC approval for an exemption from the rule. X

Lastly, the proposal would require licensees to evaluate thermal effects of crud and oxide layers that accumulate on fuel cladding. This proposed amendment would address one of the requests of PRM 50-84.

Objectives

The principal objectives of the proposed revision to the requirements for ECCS performance for light-water nuclear power reactors are to provide more performance-based criteria and also account for the new research information. Further, the NRC intends to expand the applicability of the rule to all fuel design and fuel cladding materials. In addition, this proposed rule would address the issues raised in PRM-50-71 and PRM-50-84.

As noted in Section V of the SOC, and expanded upon in Section XVII of the SOC, "Backfitting and Issue Finality," this rulemaking is proposed because of the NRC's position that it is necessary to ensure adequate protection to the public health and safety ^{Maintaining} by ~~restoring~~ that level of protection (i.e., reasonable assurance of adequate protection) ^{that} ~~which~~ the NRC ^{previously} thought would be achieved (throughout the entire term of licensed operation) by the current rule. Regulatory guidance, in the form of three regulatory guides, were developed in order to: (1) provide a clear, acceptable methodology for supporting and establishing the performance-based regulatory limits called for in 50.46c (2) simplify the staff's review process; and (3) reduce regulatory uncertainty and thereby help to minimize the costs associated with the implementation of the regulatory requirements proposed for 50.46c. The three regulatory guides are: DG-1261, "Conducting Periodic Testing for Breakaway Oxidation Behavior," (ADAMS Accession No. ML110840089), DG-1262, "Testing for Post Quench Ductility," (ADAMS Accession No. ML110840283), and DG-1263, "Establishing Analytical Limits for Zirconium-Based Alloy Cladding" (ADAMS Accession No. ML110871607).

This regulatory analysis was developed following the "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission"³ (Guidelines). In particular, with regard to adequate protection, the Guidelines state that "The level of protection constituting 'adequate protection' is that level which must be assured *without regard to cost*" (emphasis added). The Guidelines

³ NUREG/BR-0058, Revision 4, "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission," Office of Nuclear Regulatory Research, September 2004.

also state that "... a proposed backfit to one or more of the facilities regulated under 10 CFR Part 50 does not require a regulatory analysis if the resulting safety benefit is required for purposes of compliance or adequate protection under 10 CFR 50.109(a)(4)." However, the Guidelines note that if there is more than one way to achieve compliance or reach a level of adequate protection, costs may be a factor in that decision. The NRC believes that a rulemaking is the only credible regulatory action that can provide^{for} the necessary adequate protection in this case. With respect to the regulatory guides, the NRC believes that the development of such guidance^{for} is desirable in § 50.46c, in order to ensure a consistent means of generating and using experimental data to establish regulatory limits. X

Disaggregation

In order to comply with the guidance provided in Section 4.3.2 ("Criteria for the Treatment of Individual Requirements") of the Regulatory Analysis Guidelines, the NRC conducted a screening review to determine if any of the individual requirements (or set of integrated requirements) of the proposed rule are unnecessary to achieving the objectives of the rulemaking. The NRC determined the objectives of the rulemaking are to: 1) incorporate recent research findings; 2) establish performance-based requirements for ECCS in the event of a LOCA; 3) expand the regulation's applicability; and (4) incorporate the requests of two PRMs. Furthermore, the NRC concluded that each of the proposed rule's requirements is necessary to achieve one or more objectives of the rulemaking. The results of this determination are set forth in the following table.

Table 1 – Disaggregation

Regulatory Goals for 10 CFR 50.46c	1) Revise the ECCS acceptance criteria to reflect recent research findings	2) Establish performance-based requirements	3) Expand applicability of the 10 CFR 50.46 to all fuel types and cladding materials	4) Incorporate requests of 2 PRMs
Paragraph (a) Applicability.			X	X
Paragraph (b) Definitions.	X			
Paragraph (d) Emergency core cooling system design.		X		
Paragraph (g) Fuel system designs: uranium oxide or mixed uranium-plutonium oxide pellets within cylindrical zirconium-alloy cladding.	X			
Paragraph (k) Use of NRC approved fuel in reactor.			X	X
Paragraph (m) Reporting.	X			
Appendix K to 10 CFR Part 50, Paragraph (I)(B)	/	/	/	/ X /

II. Identification and Preliminary Analysis of Alternative Approaches

Given the existing data and information, this proposed rule is considered by the NRC to be the only credible regulatory action to ^{maintain} ~~attain~~ adequate protection. Consequently, a rulemaking is the only regulatory action alternative considered. The no-action option is used only as a basis against which to measure the costs and benefits of the proposed rule.

In light of recent research findings ^{that} ~~which~~ indicate that the current regulations do not always ensure post quench ductility (PQD) following a LOCA, this proposed rule is necessary to ensure adequate protection to the public health and safety by ~~restoring~~ ^{maintaining} that level of protection (i.e., reasonable assurance of adequate protection) ~~which~~ ^{that} the NRC ^{previously} thought would be achieved (throughout the entire term of licensed operation). However, based upon a preliminary safety assessment in response to the research findings in RIL-0801, the NRC determined that immediate regulatory action was not required, and that changes to the ECCS acceptance criteria to account for these new findings could reasonably be addressed through the rulemaking process. Recognizing that finalization and implementation of the new ECCS requirements would take several years, the NRC completed a more detailed safety assessment ^{that} ~~which~~ confirmed current plant safety for every operating reactor. See Section V.F of the SOC for further information. X

Proposed Rule

The proposed rule would amend the current regulations for ECCS acceptance criteria, found in § 50.46(b), by establishing performance-based requirements. The proposed rule would expand applicability to all light water reactors, regardless of fuel design or cladding materials. It should be noted that this amendment would satisfy a request of a PRM (docketed as PRM-50-71). The proposed rulemaking would also incorporate recent research findings ^{that} ~~which~~ identified previously unknown cladding embrittlement mechanisms and expanded the NRC's knowledge of ~~previously identified mechanisms~~. Specifically, the research identified that hydrogen, which is absorbed in the cladding during normal operation, has a significant influence on embrittlement during a postulated accident. Finally, the proposed rule would require licensees to evaluate the thermal effects of crud and oxide layers ^{that} ~~which~~ may have developed on the fuel cladding. It should be noted that this amendment would satisfy a request of a PRM (docketed as PRM-50-84). X

~~possible. However, impacts to accident-related attributes are qualified because new research~~ e X
~~has determined that existing estimates of probabilities of accidents were found to be too low.~~ e X
~~This proposed rule attempts to retain the level of safety that NRC previously determined to have~~ e X
~~been acceptable.~~ e X

Assumptions

All 104 currently operating light-water nuclear power reactors will be affected by this proposed rule. The quantifiable impacts, (i.e., those which are able to be monetized) are the implementation and operation costs for both industry and the NRC. All monetized costs are expressed in 2014 dollars, the year the rule is assumed to be implemented. Other than for operating reactors ^{that} which have indicated they would not seek a license renewal, this analysis assumes that remaining operating reactors' life expectancy will include a 20-year license extension. As a result, the average license will expire in 2039. Given ^{that} the rule is assumed to be implemented in 2014, the average remaining life will be 25 years from implementation and any recurring costs will be discounted over that time period. Any costs incurred over future years are discounted back to 2014 values. Based on the most recent NRC labor rates, an NRC staff-year is valued at \$173,000, while an annual industry staff labor rate of \$200,000 is assumed. X

There are currently two design certifications that are expected to be renewed. For the regulatory analysis, the NRC assumes that these are the only design certifications that will be submitted. X

The NRC assumes that there are six future operating light-water nuclear power reactors that would be affected by this rule. The nuclear power reactors are: Watts Bar Nuclear Power Plant, Unit 2, with an assumed beginning of operations date in 2013; Vogtle, Units 3 and 4, with an assumed beginning of operations date of 2017; Virgil C. Summer Nuclear Station, Units 2

and 3, with an assumed beginning of operations dates of 2017 and 2019, respectively; and Bellefonte Nuclear Station Unit 1, with an assumed beginning of operations date of 2020.⁵

The NRC assumes that other new design certifications could be submitted to the NRC for approval and have developed a hypothetical design certification to analyze the costs and benefits of the proposed rule on a design certifications. X

The NRC also assumes that other new light-water nuclear power reactors could begin to operate in the future and ^{has} ~~have~~ developed a hypothetical light-water nuclear power reactor to analyze the costs and benefits of the proposed rule on a new light-water nuclear power reactor. X
The NRC assumes that no other types of reactors will be built and that there will be no significant differences between the future operating reactors and the hypothetical reactor.

Another assumed difference in this analysis is that Industry Implementation costs are separated into so-called direct and indirect costs. This difference is explained further in the Industry Implementation paragraph.

This regulatory analysis assumes that the final rule is published on January 1, 2014. It would then take vendors approximately one year to submit their revised models. This regulatory analysis assumes that nine alloy-specific cladding hydrogen uptake models would need to be developed and twelve existing LOCA models would need to be revised in order to implement the proposed rule. (To facilitate this analysis, and the assumptions within, the LOCA models are distinguished between PQD/Breakaway and Long-Term Cooling.) Next, we assume 1 year X
for the NRC review and comment of the nine vendor cladding hydrogen uptake models, and 2 years for the NRC review and comment of the twelve vendor LOCA models. Next, the 65 plants in Track 1 would demonstrate compliance within 24 months by providing a letter report to the NRC. No NRC review of these letters is necessary. Finally, the remaining 39 plants in Tracks 2

⁵ Bellefonte Nuclear Station, Unit 2, as well as all other combined operating licenses submitted to the NRC are too speculative in nature to be included in the regulatory analysis. X

applications

and 3 would demonstrate compliance within 48 months and 60 months, respectively, by submitting a new LOCA analysis of record.

Industry Implementation – This attribute is composed of indirect and direct licensee implementation costs for operating reactors, design certifications and future operating reactors. The proposed rule would require licensees of operating reactors, design certifications, and future operating reactors to make use of revised ECCS analysis models based upon the new required acceptance criteria. The revised ECCS models and alloy-specific cladding hydrogen uptake models would be developed by vendors, at the request and expense of the licensees. Because the vendors are not licensed by the NRC and are developing the revised ECCS models because of the new requirements being imposed upon licensees, these costs are considered to be *indirect industry implementation costs*. The vendors would also produce licensing topical reviews describing the new models for NRC review and approval. The vendors would also produce test data to characterize alloy performance and develop analytical limits based on this test data ^{to} include within each alloy's topical review. X

After NRC approval in relation to operating reactors, the models would be run to perform plant-specific analyses, demonstrate compliance with the proposed acceptance criteria, and to employ the post quench ductility (PQD) analytical limits. Costs incurred by licensees under these three tracks are considered *direct industry implementation costs*.

Sixty-five operating plants under Track 1 and ^{five} future operating plants with similar implementation steps as Track 1 would complete any necessary engineering calculations, update their plant updated final safety analysis report (UFSAR) and provide a letter report to the NRC documenting compliance ^{with} to § 50.46c. The plants in Track 1 meet the new requirements without new analysis or model revisions (beyond use of Cathcart-Pawel – Equivalent Cladding Reacted (CP-ECR) to integrate time-at-temperature and hydrogen uptake models to establish PQD analytical limits), and thus would meet the new requirements with a low level of effort. The X X

16 operating plants in Track 2 are PWR plants using realistic evaluation models, as well as BWR/2 plants, which will require new analyses or model revisions to demonstrate compliance. The NRC anticipates that Track 2 plants will exert a medium level of effort to comply with the proposed regulation. The 23 operating plants in Track 3 are PWR plants using Appendix K evaluation models, as well as BWR/3 plants, which will require new analyses or model revisions to demonstrate compliance. The NRC anticipates that Track 3 plants will exert a medium – high level of effort to comply with the proposed regulation. Track 2 and Track 3 plants would be required to conduct a new ECCS evaluation, and submit a new LOCA analysis of record. The vendors would also conduct initial breakaway testing on all cladding alloys. Again, because the vendors are not licensed by the NRC, and conducting initial breakaway tests because of the new requirements imposed on the licensee, these costs are considered indirect costs.

The proposed rule would require licensees to evaluate the thermal effects of crud and oxide layers that accumulate on the fuel cladding during plant operation. Because licensees are required to account for various thermal parameters under the current regulation, the NRC's position is that the proposed requirement to evaluate crud is a clarification of the current requirement. As such, there is no additional cost incurred as a result of the rule.

Although multiple designs for new reactors have been certified by the NRC, only one type of design is currently in the construction phase in the United States, the Westinghouse Electric Company's AP1000. The AP1000 uses the same fuel design as the current fleet and, thus, will have no effect in relation to the attributes. As no other construction has begun, all other reactor designs would be too speculative to ^{evaluate} ~~provide~~ within the Regulatory Analysis. X

The current ECCS performance regulation applies to "each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding." As such, licensees must request an exemption to use fuel designs consisting of materials other than those stated. The proposed rule would extend applicability to all LWRs,

regardless of fuel design. This eliminates the need for exemption requests, and represents a benefit.

NRC Implementation – The NRC would incur several implementation costs. The first set of costs is for the development of the regulatory guides and final rule. Once the rule is implemented, the NRC would review and approve the approximately 21 vendor licensing topical reviews ^{that} which provide the revised ECCS analysis model^s. Next, the NRC would need to review the approximately 27 revised ECCS Analyses of Record (AOR) in Track 2 and 3 (due to multiple units ^e sites ^{that} which share common analyses, ^{this} total number of AORs ^{covers} reduced from 39 plants). Lastly, the proposed rule would eliminate the need for licensees to submit an exemption request to use materials other than “uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding.” The NRC would no longer be required to review such exemption requests, which results in a benefit

Industry Operation – Industry would incur annual costs in performing the ~~Periodic~~ ^{Breakaway} Tests. These tests involve the performance of the required breakaway oxidation tests as performed by vendors and, as a result, are considered indirect costs. These costs would be incurred for plants that are both currently operating or operating in the future (does not apply ^{to} for design certifications). The NRC notes that the proposed rule would require licensees to report errors in calculated equivalent cladding reacted (ECR) in concert with reported changes in PCT. For the purposes of this analysis, the NRC assumes that the cost of reporting ECR is negligible since licensees calculate ECR under the current regulation and are already required to report changes to or errors in ECCS evaluation models with respect to calculated PCT.

The NRC notes that the proposed reporting criteria ^{are} is restructured and rewritten to provide clarification on which items need to be reported, and the timeframe for reporting. The

proposed additional language clarifies the intent of the current regulation. As such, the proposed revision does not constitute a change in burden to the NRC or the industry.

NRC Operation ^{The} NRC would experience recurring costs as a result of the industry's periodic breakaway tests by analyzing the test results. The NRC would also incur annual costs as a result of reviewing reported errors in calculated ECR. However, the current regulation requires licensees to report errors in calculated PCT, and the actions the NRC would take for an error in ECR are the same as those actions for errors in calculated PCT. Additionally, errors in calculated ECR would have an associated error in calculated PCT. For all of these reasons, the NRC assumes that the change in annual cost^s between the current and proposed rule, with respect to reporting ECR, are negligible.

Improvements in Knowledge – The proposed rule incorporates research findings ^{that} ~~which~~ identified new cladding embrittlement mechanisms. As a result, future LOCA analysis^s will improve their predictions of cladding embrittlement.

Regulatory Efficiency – Expanding the applicability of this rule to different fuel designs and additional cladding materials would contribute to ~~the~~ regulatory efficiency by eliminating the need for licensees to submit exemption requests for different fuel designs or cladding material.

Public Health (Accident) – As noted above, the NRC is initiating these new requirements so that the risk of accidental radiation exposure to the public remains at the previously assumed level. ~~This corresponds to a decrease in the value of this attribute from the existing actual value.~~

Occupational Health (Accident) – Similarly, the NRC assumes that the risk of an accidental radiation exposure ^{remains} ~~is now~~ at the level it was assumed to have been prior to the proposed rule. ~~Again, this corresponds to a decrease in the value of this attribute.~~

Onsite Property – Likewise, the NRC assumes that the risk of damage to onsite property ^{remains} ~~is now~~ at the level it was assumed to have been prior to the proposed rule. ~~As seen above, this corresponds to a decrease in the value of this attribute and represents a cost savings.~~

Offsite Property – The NRC also assumes that the risk of damage to offsite property ~~is~~ ^{remains} ~~new~~ at the level it was assumed to have been prior to the proposed rule. ~~As seen above, this~~ ^Q ~~corresponds to a decrease in the value of this attribute and represents a cost savings.~~

Attributes that are *not* expected to be affected under the proposed rulemaking include the following: public health (routine); occupational health (routine); other government; general public; antitrust considerations; safeguards and security considerations; and environmental considerations.

IV. Presentation of Results

This section presents the quantitative results by attribute. Values are shown in 2014 dollars.

Industry Implementation Costs

The industry implementation costs are spread among operating reactors, design certifications and future operating reactors. As noted above, the proposed rule would require licensees to make use of revised ECCS analysis models based upon the new required acceptance criteria. The revised ECCS models would be developed by vendors, at the request and expense of the licensees. These models are the Cladding Hydrogen Uptake Models and the LOCA Model Updates. The vendors would also produce test data to characterize alloy performance and develop analytical limits based on this test data. The vendors would produce licensing topical reviews regarding the new models, which would require NRC review and approval. After NRC approval, vendors would run the models under contract to licensees to perform plant-specific analyses and demonstrate compliance with the proposed acceptance criteria. The costs associated with implementation assume the use of the Regulatory Guides developed for this proposed rule and include the costs of the testing as outlined in the Regulatory Guides.

As shown in Table 2, Industry Implementation Costs for Operating Reactors, on pages 34 – 35, the first component is the indirect costs resulting from vendor implementation. As

noted above, because the vendors are not licensed by the NRC and are developing the revised ECCS models because of the new requirements being imposed upon licensees, these are considered to be *indirect industry implementation costs*. The Cladding Hydrogen Uptake Models are assumed to be performed in a one-year period in 2014 and the LOCA Models are assumed to be performed in a 2-year period between 2013 and 2014. The Initial Breakaway Tests are assumed to be performed in 2014. The nine hydrogen uptake models are assumed to require 0.75 full-time equivalent (FTE)/year/alloy. (For this analysis, the NRC assumes an industry labor rate of \$200,000/year.) The 12 LOCA models (PQD and breakaway) are assumed to require 0.75 FTE/year/alloy. The 12 LOCA models (long-term cooling) are assumed to require 0.5 FTE/year/alloy. There are also assumed to be nine Initial Breakaway Test Models requiring a third of an FTE each and that the tests would be performed in 2014. The 9 models of Cladding Alloys cost an estimated \$1,350,000. Further, all 12 of the LOCA models (which include estimates for the completion of the topical reports) are estimated to cost \$3,000,000.⁶ The Initial Breakaway Test is expected to occur in 2014 and has an estimated cost of \$600,000.

Adding to the Licensee Implementation Costs for Operating Reactors are the Track 1, Track 2, and Track 3 activities. The NRC assumes that there would be 50, 13, and 14 revised AORs in the three tracks, respectively. Due to multiple unit sites ^{that} which share common analyses, the number of AORs is less than the 104 plants. Track 1 actions would require 0.5 FTE over a two year period (0.25 FTE/year); Track 2 actions would require 1.5 FTE over a 3 year period (0.5 FTE/year); Track 3 actions would require 2.25 FTE over a 3 year period (0.75 FTE/year). The NRC estimates the total costs for these tracks range from \$13,397,000 (7 percent real discount rate) to \$14,371,000 (3 percent rate). Track 1 has values ranging from \$4,836,000 (7 percent) to \$4,927,000 (3 percent). Track 2 ranges from \$3,411,000 (7 percent)

⁶ In this analysis, where activities occur in 2014, no discounted values are provided.

to \$3,667,000 (3 percent). Similarly, for Track 3, the cost estimate ranges from \$5,150,000 (7 percent) to \$5,767,000 (3 percent).

Another potential indirect licensee cost for operating reactors would be the development of new PQD analytical limits in place of utilizing the acceptable PQD analytical limits provided in the regulatory guide. For the purpose of this regulatory analysis, the NRC assumes that the industry elects to establish new PQD analytical limits for two cladding alloys requiring a quarter of an FTE per year. It is also assumed that this test will be accomplished in 2014, and the estimated cost is \$100,000. The remaining seven cladding alloys will utilize the PQD analytical limits in the regulatory guide (RG). The NRC assumes that, due to the high cost of establishing a new experimental technique (outside the acceptable experimental technique in the RG), no vendor will choose that method.

The last Licensee Implementation Test is the long-term cooling test. The NRC assumes that nine cladding alloys will need to be tested, requiring 0.15 FTE per year. It is also assumed that this test will be accomplished in 2014. The total cost for the long-term cooling testing is estimated to be \$270,000. X

The proposed rule reduces licensee implementation cost by eliminating the need for exemption requests to use materials other than uranium-oxide fuel pellets within cylindrical zircaloy or ZIRLO cladding. The NRC assumes that 50 plants (five per year over a 10 year period, beginning in 2014) would request an exemption if the proposed rule did not extend applicability. It is also assumed that the exemption requests would require 0.2 FTE per exemption request. This results in a total savings ranging from \$1.5 million (7 percent) to \$1.76 million (3 percent). The estimated implementation cost for operating reactors ranges from \$22,531,000 (7 percent) to \$26,323,000 (3 percent). X

As shown in Table 3, Industry Implementation Costs for Design Certifications, on page 35, the costs come from an analysis of the design certifications. The Track 2⁷ cost is an indirect cost that would occur for both design certifications in 2017. The NRC assumes that the design certifications would require 1.5 FTE per design certification. Track 2 has an estimated cost range from \$490,000 (7 percent) to \$549,000 (3 percent). The estimated implementation costs for design certification ranges from \$490,000 (7 percent) to \$549,000 (3 percent).

Table 4, Industry Implementation Costs for Future Operating Reactors, on page 36, provides costs for the Initial Breakaway Test, the track designation ^{that} which most closely matches implementation required for the reactors, and the LTC test that each reactor would use. The Initial Breakaway Test, which occurs for Watts Bar in 2014, the Summer and Vogtle future operating reactors in 2017 and the Bellefonte 1 in 2020, has an estimated cost range from \$36,000 (7 percent) to \$43,000 (3 percent).

The Track 1⁸ costs, which occur for Watts Bar in the years 2014 and 2015, requiring 0.25 FTE for each year and for all other reactors in years 2018 and 2019, each AOR requiring 0.25 FTE. The Watts Bar Track 1 estimated cost ranges from \$97,000 (7 percent) to \$99,000 (3 percent). The Summer and Vogtle future operating reactors Track 1 estimated cost ranges from \$296,000 (7 percent) to \$351,000 (3 percent). The Bellefonte 1 Track 1 estimated cost ranges from \$64,000 (7 percent) to \$83,000 (3 percent). The total cost estimate for Track 1 ranges from \$457,000 (7 percent) to \$533,000 (3 percent).

The LTC Test cost is incurred in years 2014, for Watts Bar, 2019, for the Summer and Vogtle future operating reactors, and 2020 for Bellefonte 1. The LTC requires 0.04 FTE per reactor and has an estimated total cost range from \$36,000 (7 percent) to \$43,000 (3 percent).

⁷ Although labeled "Track 2," the NRC assumes that design certifications will not be a part of Track 2, but will have characteristics similar to Track 2 and are, thus, labeled as "Track 2."

⁸ Although labeled "Track 1," the NRC assumes that future operating reactors will not be a part of Track 1, but will have characteristics similar to Track 1 and are, thus, labeled as "Track 1."

The total estimated industry implementation cost for future operating reactors ranges from \$529,000 (7 percent) to \$619,000 (3 percent).

The total estimated industry implementation cost for operating reactors, design certifications and future operating reactors ranges from \$18,232,000 (7 percent) to \$19,101,000 (3 percent).

Industry Operation Costs

The NRC assumes that, once all licensees of operating reactors have implemented the proposed rule, 60 periodic breakaway tests will be submitted to the NRC each year (based on distribution between 18 month and 24 month operating cycles). However, between publication and full implementation, the NRC estimates the number of periodic breakaway tests will be as indicated for operating reactors:

2017	Periodic Breakaway Tests	60
2018	Periodic Breakaway Tests	0
2019	Periodic Breakaway Tests	55
2020	Periodic Breakaway Tests	44
2021	Periodic Breakaway Tests	60

Table 5, Industry Operating Costs for Operating Reactors, on page 37, shows that in 2017, the majority of Track 1 plants will have conducted periodic breakaway tests. As such, in 2018 those plants will not have to re-test for breakaway oxidation, and neither Track 2 nor Track 3 plants have implemented the rule. By 2019, a portion of Track 1 plants will re-test for breakaway oxidation, as well as a portion of Track 2 plants. The 2020 value also reflects the total resulting from a portion of Track 1 and Track 2 plants. In 2021, Track 3 plants will begin their periodic breakaway tests, and a portion of Track 1 and Track 2 plants will conduct testing. Starting ⁱⁿ 2022, and annually thereafter through the average remaining life, the NRC assumes that a total of 60 breakaway oxidation tests will be submitted per year. The total discounted

costs of the periodic breakaway testing for operating reactors is \$5,318,000 (7 percent) and \$8,390,000 (3 percent).

Table 6, Industry Operation Costs for Future Operating Reactors, on page 37, shows the industry operation costs for future operating reactors. The NRC assumes that Watts Bar will perform a periodic breakaway test in 2015, 2017 and 2019 during ^{refueling} reloading ~~fuel~~. After 2020, all six reactors will be online and the number of ^{fuel} reloads per year will be, on average, 4 for the 57 years of remaining life, with an average FTE requirement of 0.05 FTE per reload. The estimated total cost for the industry operation costs for future operating reactors ranges from \$372,000 (7 percent) to \$911,000 (3 percent). X

The total estimated industry operation cost for operating reactors, design certifications and future operating reactors ranges from \$5,690,000 (7 percent) to \$9,301,000 (3 percent). X

Total Industry Costs

Table 7, Total Industry Costs, on page 37, shows the total industry costs broken down between direct and indirect costs as well as by implementation and operation costs. The total industry costs range from \$23,922,000 (7 percent) to \$28,402,000 (3 percent).

Industry Average Implementation Costs per Designated Unit

Table 8, Industry Average Implementation Cost per Designated Unit, on pages 38 – 41, provides the estimates of the various average costs per designated unit, by type of cost for operating reactors, design certifications and future operating reactors. As shown, the largest average designated unit cost contributors for operating reactors and future operating reactors are the 3 Track Activities. Almost all of the average designated unit cost contributors for design certifications are from the initial breakaway test. The total industry operating reactor implementation cost per AOR estimate ranges from \$225,000 (7 percent) to \$235,000 (3 percent). The total industry design certification implementation estimated cost per reactor ~~DS~~ X

ranges from \$245,000 (7 percent) to \$275,000 (3 percent). The total industry future operating reactor implementation cost per reactor/AOR estimate ranges from \$273,000 (7 percent) to \$314,000 (3 percent).

NRC Implementation Costs

Table 9, NRC Implementation Costs Affecting Operating Reactors, Design Certifications and Future Operating Reactors, on page 42, shows the NRC implementation costs that affect operating reactors, design certifications and future operating reactors. Three regulatory guides would be published as a result of this rule. The first relates to analytical limits and the second and third to test procedures. As shown in Table 9, the NRC estimates the costs to be approximately \$865,000. This is based upon the assumptions of 5 NRC staff-years to complete the regulatory guides, with an NRC yearly rate of \$173,000. The NRC also assumes that it will take approximately 2 calendar years to complete the guides.

The NRC would also need to develop and issue a revision to NUREG-0800¹¹ *Standard for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.*¹¹ Review Plan. The cost estimates for this action would require one FTE and is estimated to be \$173,000.

The NRC would also incur costs reviewing and commenting on the hydrogen uptake models and the LOCA models. For the hydrogen uptake models, the NRC estimates that it would take 2 FTE at \$173,000 annually, be implemented in 2015, and, therefore, ranging from \$323,000 (7 percent) to \$336,000 (3 percent). The NRC review of the LOCA models (PQD, Breakaway) is estimated to take 2 FTE/year over a two year period, beginning in 2015. The cost for this activity is estimated to be from \$625,000 (7 percent) to \$662,000 (3 percent). The NRC review of the LOCA models (long term cooling) is estimated to take 1 FTE/year over a two year period, beginning in 2015. The cost for this activity is estimated to be from \$313,000 (7 percent) to \$331,000 (3 percent). Next, the NRC estimates that this final rule development

would take approximately 6 FTE over 1.5 years, beginning in 2012, and have a cost of approximately \$1,038,000.

Table 10, NRC Implementation Costs for Operating Reactors, on pages 43 – 44, shows the NRC implementation costs for operating reactors. The NRC's break away test review is assumed to require 1 FTE in the year 2015. The resulting cost estimate ranges from \$162,000 (7 percent) to \$168,000 (3 percent).

Table 10 also provides estimated implementation costs for operating reactors for analysis of record reviews for Tracks 2 and 3. (Track 1 compliance for operating reactors is demonstrated through a letter report – no NRC review is necessary.) These efforts would take place over a 2 year period and begin in the years 2016, 2018, and 2019 for the Tracks 1, 2, and 3, respectively. Because Track 1 requires no NRC review, there is no cost associated with this track. For Track 2, the range is \$511,000 (7 percent) to \$605,000 (3 percent). Lastly, for Track 3, the values range from \$478,000 (7 percent) to \$588,000 (3 percent). Therefore, the total estimated NRC implementation cost for the amendment reviews ranges from \$989,000 (7 percent) to \$1,193,000 (3 percent). The next NRC implementation costs for operating reactors are a result of PQD Tests. As mentioned, the assumption is that only two cladding alloys would need to be done under the so-called "redone NRC Version." ^{Each} Per cladding alloy is assumed to require 0.25 FTE, beginning in 2015. The resulting estimates are calculated to be \$81,000 (7 percent) to \$84,000 (3 percent).

The last NRC implementation costs are ^{associated with} ~~a result of~~ long-term cooling (LTC) tests. The assumption is that the NRC review would require 0.15 FTE for each of the 9 cladding alloys, beginning in 2015. The resulting estimates are calculated to be \$219,000 (7 percent) to 227,000 (3 percent).

The proposed rule eliminates the need for the NRC to review licensee exemption requests to use materials other than uranium-oxide fuel pellets within cylindrical zircaloy or ZIRLO cladding; this represents a cost savings. The NRC assumes that 50 plants (five per year

over a 10 year period, beginning in 2014) would request an exemption^{to other materials} if the proposed rule did not extend applicability. It is also assumed that NRC review of the exemption requests would require 0.1 FTE per exemption request. This results in a total savings ranging from \$750,000 (7 percent) to \$879,000 (3 percent).

Therefore, the total NRC Implementation costs for operating reactors are estimated to range from \$798,000, using a 7 percent real discount rate, and \$907,000 using a 3 percent rate.

Table 11, NRC Implementation Costs for Design Certifications, on page 44, shows the NRC implementation costs for design certifications. ^{This analysis assumes that} In 2018, a review of the license amendment ^{certification} analysis for both design certifications, requiring 0.27 FTE each, ^{the NRC will conduct} and providing an estimated cost range from \$70,000 (7 percent) to \$82,000 (3 percent). ^{resulting in} The total NRC implementation costs for design certifications ranges from \$70,000 (7 percent) to \$82,000 (3 percent).

Table 12, NRC Implementation Costs for Future Operating Reactors, on page 45, shows the NRC implementation costs for future operating reactors. A breakaway test review would be performed in 2015 by the NRC for Watts Bar and would require 0.01 FTE ^{and has} for an estimated cost of \$2,000. The NRC breakaway test reviews for the Summer and Vogtle reactors would be conducted in 2020, ^{would require} requiring 0.05 FTE, and has an estimated cost range from \$5,000 (7 percent) to \$9,000 (3 percent). The NRC breakaway test review for Bellefonte 1 would be conducted in 2021, ^{would require} requiring 0.01 FTE, and has an estimated cost range from \$1,000 (7 percent) to \$2,000 (3 percent). Also, as all future operating reactors are assumed to be submitting LARs following the Track 1 methodology, no NRC review is required. The last implementation cost is the LTC review costs. The NRC would review the Watts Bar LTC test in 2015, requiring 0.04 FTE for an estimated cost of \$7,000. The NRC would perform the Summer and Vogtle units LTC test reviews in 2020, requiring 0.04 FTE per reactor for an estimated cost range from \$19,000 (7 percent) to \$23,000 (3 percent). The NRC would perform the Bellefonte 1 LTC test review in 2021, requiring 0.04 FTE for an estimated cost range from \$4,000 (7 percent) to \$6,000 (3

percent). The NRC implementation costs for future operating reactors ranges from \$38,000 (7 percent) to \$47,000 (3 percent).

The total NRC implementation costs range from \$4,243,000 (7 percent) to \$4,441,000 (3 percent).

NRC Operation Costs

As noted above, the NRC would experience recurring costs for operating reactors and future operating reactors as a result of the industry's periodic breakaway tests. As shown in Table 13, NRC Operation Costs for Operating Reactors, on page 46, for operating reactors, the assumption is that the analysis of the tests by NRC would require about 0.15 FTE per year (once all licensees are fully implemented and conducting periodic breakaway tests) and would run for 23 years, the assumed average remaining years of life for operating reactors after implementation of the rule.

The estimated discounted flow of funds runs from \$211,000 (7 percent) to \$340,000 (3 percent).

Table 14, NRC Operating Costs for Future Operating Reactors, on page 46, outlines the NRC operating costs for future operating reactors. The periodic breakaway test reviews will be performed for Watts Bar (requiring 0.01 FTE per review) until 2022 ^{when} where all future operating reactor reviews will be conducted (requiring 0.04 FTE per year). The estimated NRC operating costs for future operating reactors ranges from \$65,000 (7 percent) to \$160,000 (3 percent).

The total NRC operating costs ranges from \$276,000 (7 percent) to \$500,000 (3 percent).

Total NRC Costs

Table 15, Total NRC Costs, on page 46, shows the total NRC costs broken down by implementation and operation costs. As stated above, the estimated NRC implementation costs

range from \$4,243,000 (7 percent) to \$4,441,000 (3 percent) and the NRC operating costs range from \$276,000 (7 percent) to \$500,000 (3 percent). The total NRC cost estimate ranges from \$4,519,000 (7 percent) to \$4,941,000 (3 percent).

Total Rule Costs

Total cost estimates including both industry and the NRC range from \$28.8 million (7 percent) to \$34.3 million (3 percent). As shown in Table 16, Total Costs, on page 47, they are composed of implementation costs of \$22.8 million (7 percent) to \$24.5 million (3 percent) and operating costs of \$6.0 million (7 percent) to \$9.8 million (3 percent).

Lastly, the average implementation costs per AOR are estimated to range from \$159,000 (7 percent) to \$207,000 (3 percent).

Future Design Certifications

As there are potential design certifications that may come into the NRC for review, but are too uncertain regarding likelihood and timing to be properly added into the regulatory analysis, the NRC assumes a hypothetical design certification (beginning) in a hypothetical year (year X), based on 2014 dollars, to determine the cost to the industry and the NRC for the future design certifications.

As shown in Table 17, Industry Costs for Hypothetical Design Certification, on page 48, the Industry would incur costs in relation to implementation costs. One industry cost would be the initial breakaway test in year X that would require 0.04 FTE and provide an estimated cost of \$8,000. The other industry cost would come from the PQD test, which is assumed to be a redone NRC version. This cost would occur in year X, would require 0.01 FTE of effort and provide an estimated cost of \$2,000.

The total estimated industry cost for a hypothetical design certification is \$10,000.

As shown in Table 18, ~~NRC costs~~ ^{for a} for hypothetical design certification on page 48, the NRC would incur costs in relation to the review of the initial breakaway test and the PQD test. The breakaway test review, which would occur in year X+1, would require 0.01 FTE of effort and have an estimated cost of \$2,000. The PQD test review, which would also occur in year X+1, would require 0.005 FTE of effort and have an estimated cost of \$1,000.

X
X

The total estimated NRC cost for a hypothetical design certification is \$3,000.

Hypothetical Future Operating Reactors

As there are future operating reactors that are also too uncertain regarding likelihood and timing to be properly added into the regulatory analysis, the NRC assumes a hypothetical future operating reactor (a single reactor at a new site) beginning operation in a hypothetical year (year X), based on 2014 dollars, to determine the cost to the industry and the NRC for the future operating reactor.

As shown in Table 19, Industry Costs for Hypothetical Future Operating Reactor, on page 49, the Industry would incur both implementation and operating costs in relation to a hypothetical reactor. One industry implementation cost would be a breakaway test in year X that would require 0.04 FTE and provide an estimated cost of \$8,000. Another implementation cost would be for Track 1, which would be over 2 years (X and X+1) and would require a total FTE of 0.5, spread between the 2 years and having a total estimated cost of \$100,000. The final implementation cost would be for the LTC test, which would occur in year X and would require 0.04 FTE and provide a total cost of \$8,000. The total industry hypothetical future operating implementation cost is estimated at \$116,000. The industry operating costs ^{for the periodic breakaway test} for the hypothetical operating reactor, ~~the periodic breakaway test~~, would occur during the first reload ^{and subsequent} and would require 0.05 FTE for the expected life of the reactor. The total industry estimated cost for the periodic breakaway test is \$390,000.

X
X
X

VI. Implementation

Proposed Rule

It is assumed that the rule would initially take effect 30 days after its publication in the FR. The rule would establish a staged implementation approach to improve the efficiency and effectiveness of the migration to the new ECCS requirements. The staged implementation plan will have a duration of 5 years. As the first step, vendors will develop, and submit to the NRC for review via topical reports, hydrogen pick up models and LOCA model updates. This is expected to occur during the first year. Also, during the first year, the vendors will obtain PQD analytical methods by either: 1) using the analytical limits provided in an NRC regulatory guide, or 2) using an NRC approved experimental method provide in a regulatory guide. (A third option, which involves the vendors developing their own experimental method for NRC approval, is available but, due to the high cost and burden of this option, the NRC assumes that no vendors will develop their own experimental method.) The PQD analytical limits ^{that} ~~which~~ are ~~X~~ obtained via the approved experimental method will be submitted for NRC review in the form of a topical report. Also, the vendors would perform long-term cooling tests to determine the long-term cooling limit for each of the nine cladding alloys. Finally, during the first year after the rule becomes effective, the vendors will perform initial breakaway testing. The results of the initial breakaway tests will be submitted by the licensee via their license amendment request (LAR) which is necessary to demonstrate compliance with the proposed rule. ~~X~~

As part of this implementation plan, licensees will be divided among three implementation tracks based upon existing margin to the revised requirements and anticipated level of effort to demonstrate compliance. The purpose of the staged implementation approach is to bring licensees into compliance as quickly as possible, while accounting for: 1) more effort and longer schedules ^{will be} ~~are~~ necessary for plants ^{that} ~~which~~ require new LOCA analyses with revised LOCA models; and 2) differences between realistic and Appendix K LOCA models. ~~X~~

Lastly, the tracks will begin to conduct periodic breakaway testing^{ing} one year after they are in full compliance. (Track 1 to being periodic breakaway testing in Year 3, Track 2 in year 5 and Track 3 in Year 6.) The results of these tests will be included in the annual ECCS submittal. X X

Regulatory Guidance

There are three draft regulatory guides developed along with the proposed rule. These regulatory guides would be available for use as guidance immediately upon their issuance in final form; issuance in final form may pre-date the necessary date for compliance with the rule as specified in paragraph (o) of § 50.46c.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Apostolakis

SUBJECT: SECY-12-0034 – PROPOSED RULEMAKING – 10 CFR
50.46c: EMERGENCY CORE COOLING SYSTEM
PERFORMANCE DURING LOSS-OF-COOLANT
ACCIDENTS (RIN 3150-H42)

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None

I approve publication of the proposed rule on Performance-Based Emergency Core Cooling Systems (ECCS) Cladding Acceptance Criteria as presented in Enclosure 1 to SECY-12-0034, and as modified by the staff's June 1, 2012 memo to the Commission, subject to the attached changes. The staff should also make the attached changes to the Regulatory Analysis prior to publication of the proposed rule.

I commend the staff for its pursuit of the research that identified previously unknown cladding embrittlement mechanisms. The staff did a good job summarizing the highly-complex technical issues that form the basis for this proposed rule. I am especially pleased with the staff's success in developing a performance-based rule that applies to all light water reactors, regardless of fuel design or cladding material.



SIGNATURE

6/22/12

DATE

Entered on "STARS" Yes No

JUNE 1, 2012 COMMISSION MEMO

ENCLOSURE 2
FEDERAL REGISTER NOTICE
(CLEAN)
ML12151A238

FOR FURTHER INFORMATION CONTACT: Tara Inverso, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-1024, e-mail: Tara.Inverso@nrc.gov; or Paul M. Clifford, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-4043, e-mail: Paul.Clifford@nrc.gov .

SUPPLEMENTARY INFORMATION:

- I. Accessing Information and Submitting Comments
- II. Background
- III. Operating Plant Safety
- IV. Advance Notice of Proposed Rulemaking: Public Comment on Advance Notice of Proposed Rulemaking
- V. Proposed Requirements for ECCS Performance During LOCAs
 - A. Applicability of Performance-Based Rule; Consideration of PRM-50-71
 - B. Performance-Based Aspects of the Proposed Rule
 1. Hydrogen-Enhanced Beta-Layer Embrittlement
 2. Oxygen Ingress from Cladding Inside Diameter
 3. Breakaway Oxidation
 4. Applicability of Ductility Based Analytical Limits in the Burst Region
 5. Long-Term Cooling
 - C. Reporting Requirements
 - D. Consideration of PRM-50-84: Thermal Effects of Crud and Oxide Layers
 - E. Implementation
- VI. Section-by-Section Analysis

x

- The specific experimental technique for measuring cladding ductility (i.e., ≥ 1.00 percent permanent strain prior to failure during ring-compression loading at a temperature of 135 °C and a displacement rate of 0.033 millimeters per second (mm/sec)) was removed from the rule and provided as one approved method within draft regulatory guide (DG)-1262, "Testing for Postquench Ductility," (ADAMS Accession No. ML110840283).
- The specific experimental technique for measuring time until breakaway oxidation (i.e., hydrogen uptake reaches 200 weight part per million (wppm) anywhere on a cladding segment subjected to high temperature steam oxidation ranging from 1200 °F to 1875 °F (649 °C to 1024 °C)) was removed from the rule and provided as one approved method within DG-1261, "Conducting Periodic Testing for Breakaway Oxidation Behavior," (ADAMS Accession No. ML110840089).
- The proposed risk-informed change to the reporting requirements (objective three of the ANPR) was abandoned. The majority of public comments received on the proposed reporting criteria suggested that the concept was complex, and might promote unnecessary burden or misinterpretation.
- The applicability of the zirconium-based alloy fuel specific performance requirements was expanded to include uranium-plutonium mixed oxide fuel.
- The applicability of the ^{post-quench ductility} PQD analytical limits in DG-1263, "Establishing Analytical Limits for Zirconium-Based Alloy Cladding," (ADAMS Accession No. ML110871607) was expanded to encompass cladding hydrogen concentration up to 800 wppm. X
- Many changes and improvements were made in the development of DG-1261, DG-1262, and DG-1263.
- A staged implementation plan was developed.

V. Proposed Requirements for ECCS Performance During LOCAs

The proposed rule would establish a general, performance-based rule governing ECCS performance for light-water nuclear power reactors (LWR), regardless of fuel design or cladding material. This represents a significant change from the current ECCS regulations, which apply to "uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding." Because ECCS system requirements must be expressed independent of fuel type, and because ECCS system performance ultimately must be based upon maintaining the fuel used in a safe (analyzed) condition, the new rule separates the ECCS system requirements from the need for the applicant/licensee to establish the fuel system design performance criteria constituting a safe condition.

In proposed § 50.46c, the specified performance objectives of the systems, structures, and components of the ECCS are to provide residual heat removal during and following a postulated LOCA. As with the current regulations, the ECCS performance is demonstrated by NRC-approved evaluation models in proposed § 50.46c. Specific performance requirements and analytical limits have been established for fuel designs consisting of uranium oxide or mixed uranium-plutonium oxide pellets within zirconium cladding alloys which account for recent research findings. New performance objectives and analytical limits may be necessary for other fuel designs to take into consideration all degradation mechanisms and any unique features of the particular fuel system for which the ECCS is trying to cool.

The proposed rule follows the general regulatory approach of the existing regulations by establishing non-prescriptive, performance-based regulatory language for demonstrating acceptable ECCS system performance and determining the fuel's performance characteristics. However, because the embrittlement criteria in the current regulations for fuel with zirconium-based cladding continue to be acceptable (although incomplete, as will be discussed) the

proposed rule retains the current regulations' 2200 °F limit for fuel with zirconium-based cladding as well as limitations on oxidation and hydrogen generation.

The organization and CFR designations of the NRC's requirements governing ECCS (currently in § 50.46) and reactor cooling venting systems (currently in § 50.46a) are expected to change, as a result of: 1) ongoing rulemaking activities; 2) the proposed implementation schedule for those activities; and 3) the need to maintain the current requirements in place for those licensees that have not transitioned to the new requirements (following the implementation schedule which would be provided in the final rule). A detailed description of the transition of CFR designations is provided in Section VI, "Section by Section Analysis."

A. Applicability of Performance-Based Rule; Consideration of PRM-50-71

The NRC proposes to expand the applicability of the rule from "uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding" to any LWR, regardless of fuel design or cladding material. The proposed rule would be applicable to applicants for and holders of construction permits, operating licenses, combined licenses, and standard design approvals and ~~to~~ applicants for certified designs and for manufacturing licenses. The only exception to the rule's applicability would be for any licensee which has submitted certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, in accordance with § 50.82(a)(1).

Over the past 10 years, the NRC has granted exemptions from the requirements of § 50.46 (in accordance with § 50.12(a)) to licensees utilizing approved fuel designs with M5 zirconium-based alloy cladding and, more recently, to licensees using approved fuel designs with Optimized ZIRLO™ zirconium-based alloy cladding.

The proposed rule includes general performance requirements for future LWR fuel

geometry (i.e., cladding embrittlement for zirconium-based alloys). However, due to their limited number relative to the total core population, any unforeseen degradation or performance during a postulated LOCA would not challenge the general performance requirements. As such, compliance with ECCS performance requirements of § 50.46c is not required for this limited number of failed fuel rods.

This proposed extension to all LWR fuel types addresses an NEI petition for rulemaking (PRM-50-71) dated March 14, 2000, as amended to on April 12, 2000, which requested that the applicable regulations be amended to allow for the introduction of advanced zirconium-based alloy claddings, thus eliminating the need for a licensee to pursue an exemption for alloys which did not meet the definition of "zircaloy or ZIRLO™." If the NRC adopts the proposed rule in final form, then PRM-50-71 would be granted and resolved.

B. Performance-Based Aspects of the Proposed Rule

The systems, structures, and components of the ECCS are designed to provide residual heat removal during and following a postulated LOCA. Failure of the ECCS to perform its intended function would result in a loss of coolable geometry followed by core reconfiguration.

While the ^{principal} ~~principle~~ ECCS performance requirements are simple in nature (i.e., remove residual heat and maintain core temperatures at acceptable levels), the system capabilities and capacities must be designed based on specified performance objectives taking into

consideration all degradation mechanisms and any unique features of the particular fuel system

~~for~~ ^g which the ECCS is trying to cool. Sufficient empirical data must be available for the

particular fuel system to identify all degradation mechanisms (e.g., embrittlement, loss of structural integrity) and any unique features (e.g., eutectic or exothermic reactions, combustible gas generation) to specify both acceptable core temperatures and the duration for which the

ECCS must remove residual heat. In addition, fuel-specific analytical requirements may be necessary to accurately or conservatively model unique phenomena which impact the ECCS performance demonstration (e.g., fuel rod balloon and burst, cladding inside-diameter oxygen ingress).

To achieve the rulemaking objective of developing a more performance-based rule, significant changes in format and structure are being proposed relative to § 50.46. In place of the current prescriptive § 50.46(b) analytical limits, the proposed rule would define the following ^{principal} ~~principle~~ ECCS performance requirements:

- Core temperature during and following the LOCA event does not exceed the analytical limits for the fuel design used for ensuring acceptable performance.
- The ECCS provides sufficient coolant so that decay heat will be removed for the extended period of time required by the long-lived radioactivity remaining in the core.

In addition, the proposed rule would dictate specific analytical requirements for demonstrating compliance ^{with} ~~to~~ the ECCS performance requirements. For instance, to demonstrate compliance with these system performance requirements, fuel-specific performance objectives and associated analytical limits which take into consideration all degradation mechanisms and any unique features of the particular fuel system would be established, along with an NRC-approved evaluation model, by which to judge the ECCS performance.

The proposed rule includes specific performance requirements for fuel designs consisting of uranium oxide or mixed uranium-plutonium oxide fuel pellets within cylindrical zirconium-alloy cladding by which to judge ECCS performance. These performance requirements incorporate the findings of the NRC LOCA research program. New performance objectives and analytical limits may be necessary for other fuel designs.

For uranium oxide or mixed uranium-plutonium oxide fuel pellets within cylindrical zirconium-alloy cladding, all ^{known} degradation mechanisms and unique features have been identified, specific performance objectives defined, and fuel design specific performance requirements have been established and included in the proposed rule. For this fuel system design, the performance objective is to maintain the coolable fuel rod bundle array. In other words, the objective is to maintain fuel pellets within ~~the~~ ^{the} cladding and fuel rods within the fuel bundle lattice. Existing models and methods are capable of accurately predicting core temperatures and demonstrating ECCS performance provided this core configuration is maintained. To achieve this performance objective, the ECCS must limit core temperatures to prevent high-temperature cladding failure, prevent brittle cladding failure (i.e., maintain PQD and prevent breakaway oxidation), and minimize hydrogen gas generation, and provide for long-term residual heat removal for the long-lived fission decay products associated with uranium oxide or uranium-plutonium oxide fuel.

The following § 50.46(b) requirements would remain unchanged in the proposed § 50.46c:

- *Peak cladding temperature.* The calculated maximum fuel element cladding temperature shall not exceed 2200 °F. The peak cladding temperature requirements currently in § 50.46(b)(1) would be moved to § 50.46c(g)(1)(i).
- *Maximum hydrogen generation.* The calculated total amount of hydrogen generated from the chemical reaction of the cladding with water or steam shall not exceed 0.01 times the hypothetical amount that would be generated if all of the metal in the cladding cylinders surrounding the fuel, excluding the cladding surrounding the plenum volume, were to react. The maximum hydrogen generation limits currently in § 50.46(b)(3) would be moved to § 50.46c(g)(1)(iv).

exceeds any acceptance criteria and is itself not significant.

The licensee must:

- a. Submit an annual report documenting the change(s), error(s), or operation along with estimated magnitude of changes in predicted results.
- b. Revise UFSAR.
- c. Use the UFSAR PCT/ECR predictions as a baseline for future evaluations.

2. *Change, error or operation which does not result in any predicted response which exceeds any acceptance criteria but is significant.*

The licensee must:

- a. Submit a 30-day report documenting the change(s), error(s), or operation, estimated magnitude of changes in predicted results, and the schedule for providing a new AOR. The NRC will review the new ^(AOR) analysis of record.
- b. Revise UFSAR to include new AOR.
- c. Use the UFSAR PCT/ECR predictions as a baseline for the future evaluations.

3. *Change, error or operation which results in any predicted response to exceed acceptance criteria.*

The licensee must:

- a. Take immediate actions to bring plant into compliance with acceptance criteria.
- b. Report the change, error or operation under §§ 50.55(e), 50.72, and 50.73, as applicable.
- c. Submit a 30-day report documenting the change(s), error(s), or operation, estimated magnitude of changes in predicted results, and the schedule for providing a new AOR. The NRC will review the new AOR.
- d. Revise UFSAR to include new AOR.

previously approved realistic evaluation model, revisions to existing evaluation model, new LOCA break spectrum analysis, multiple rod survey (e.g., BU – rod power tradeoff), technical specification or core operating limit report (COLR) changes, licensees would need to submit the new LOCA AOR and, where applicable, a license amendment request updating COLR list of approved methods.

The NRC has developed a phased implementation approach for applicants and holders of standard design approvals, design certifications, combined ~~operating~~ licenses and manufacturing licenses granted under Part 52. x

The proposed implementation plan for reactors approved under Part 52 would allow the applicant for a design certification, standard design approval, or manufacturing license either submitted to or docketed by the NRC prior to the effective date of the rule, to come into compliance with the rule at the time of any application for renewal.

An applicant for a design certification, standard design approval, or manufacturing license submitted or docketed after the effective date of the rule must comply with the provisions of the rule.

The holder of a combined license granted prior to the effective date of the rule would be permitted to operate the plant for one fuel cycle before demonstrating compliance with the rule. Doing so would permit adequate time to submit demonstration of compliance with the rule prior to achieving fuel burnup for which the cladding limitations are imposed by the rule. In this case the holder of the combined ~~operating~~ license would be required to remain in compliance with the ECCS performance acceptance criteria in place at the time the combined ~~operating~~ license was granted. x x

Applicants for combined licenses docketed after the effective date of the rule must comply with the provisions of the rule.

The proposed rule reflects the NRC's determination that reactor designs reviewed and approved under Part 52 should have the same constraints as the reactors operating under Part 50 with respect to development, submittal and approval of ECCS performance models necessary to demonstrate compliance with this rule. Alloy-specific hydrogen uptake models and all ECCS performance model updates would be expected to be submitted in a timely manner for NRC review and approval so that demonstration of the ECCS performance with respect to the analytical limits would not impact plant operation more than is necessary.

The proposed rule also reflects the NRC's expectation that, for new reactors licensed to operate prior to the effective date of the rule, operation ^{for} at least the initial fuel cycle using fuel which has not been analyzed under the proposed rule's provisions accounting for burn-up effects ^{does} does not present an adequate protection concern. During the initial fuel cycle, the NRC believes that burn-up effects would not be limiting, and the current ECCS rule's acceptance criteria are sufficient during the initial fuel cycle to provide reasonable assurance of adequate protection with respect to overall ECCS performance. x

VI. Section-by-Section Analysis

The organization and CFR designations of the NRC's requirements governing emergency core cooling (currently in § 50.46) and reactor cooling venting systems (currently in § 50.46a) are expected to change. These changes would result from:

- 1) The current schedule for Commission serial adoption of two rulemakings: i) the finalization of the proposed rule on risk-informed changes to ECCS systems, currently referred to as the § 50.46a rulemaking, followed by; ii) the finalization of this proposed rule on performance-based changes to ECCS requirements and cladding acceptance criteria, currently referred to as the § 50.46c rulemaking; x

§ 50.46a Reactor Coolant Venting Systems	Redesignated as § 50.46b	NA (Redesignation as § 50.46b completed)	NA (Redesignation as § 50.46b completed)
Performance-based ECCS and Cladding Requirements <i>currently designated in draft proposed rulemaking package as § 50.46c</i>	NA	§ 50.46c Alternate Fuel Cladding Requirements	NA (administrative rulemaking would: (i) remove superseded fuel cladding requirements in § 50.46; and (ii) redesignate § 50.46c as § 50.46.)

A. Section 50.46c - Heading

A new section, § 50.46c, would be created in 10 CFR Part 50 by this rulemaking. The heading of § 50.46c would be "Emergency core cooling system performance during loss-of-coolant accidents."

B. Section 50.46c(a) - Applicability

Paragraph (a) would define the applicability of the proposed rule which remains limited to LWR, but would be expanded beyond fuel designs consisting of uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding. The proposed rule would also be applicable to applicants for and holders of construction permits, operating licenses, combined licenses, and standard design approvals, and also to applicants for ~~certified designs~~ and for manufacturing licenses. ^{standard design certifications} x

C. Section 50.46c(b) - Definitions

Paragraph (b) would provide definitions for terms used in this section. The definitions of *Loss-of-coolant accident* and *Evaluation model* would remain unchanged from those currently located in § 50.46(c)(1) and (c)(2), respectively.

Similar to the requirements of paragraph (o)(5), such applicants will have had ample time necessary to comply with the provisions of the rule.

Paragraph (o)(7) would require standard design certifications, standard design approvals, and manufacturing licenses, along with new branches of certifications <sup>delete
extraspaces</sup> under Part 52 x whose applications are pending as of the effective date of the rule to comply with § 50.46c no later than the time of renewal. Those entities that are in the approval process at the time the rule becomes effective will be required to comply at time of renewal. This will provide ample time to develop and receive approval for the methodologies necessary to comply with the rule.

Paragraph (o)(8) would require combined licenses under Part 52 that are docketed after the effective date of the rule to comply with the provisions of the rule.

Paragraph (o)(9) would require applications for combined licenses under Part 52 that are docketed or issued after the effective date of the rule to comply with § 50.46c no later than completion of the first fueling outage after the initial fuel load. Those entities which are granted combined licenses prior to the effective date of the rule must comply with the rule no later than the first refueling outage after initial fuel load. This affords those entities ample time to develop and submit the necessary methodologies.

K. 10 CFR Part 50, Appendix K ECCS evaluation models.

In Appendix K, a new paragraph II.6 would be added to clarify that, for those entities that have implemented § 50.46c, the requirements for documentation are located within § 50.46c(d)(3).

L. Redesignation of Venting Requirements in Section 50.46a

This proposed rule would redesignate the current § 50.46a, "Acceptance criteria for

each re-load batch. The NRC requests specific comment on the type of data reported and the proposed frequency of required testing. The objective of periodic testing is to prevent ~~affected~~ ^{affected} fuel from being loaded into a reactor. At the same time, the objective is to do so without adding ^{requirements} ineffective and unnecessary burden. Therefore, other sampling approaches may be more effective. For example, should the licensee be required to report data relevant solely to their reload fuel batch or should the licensee be able to report representative data based on periodic testing (e.g., test every 10,000 rods, tubing lot, or ingot) of the same zirconium-based alloy cladding compiled during the period from the last report.

NRC Question 2. The NRC is proposing, in § 50.46c(o), a staged implementation plan for the proposed rule. As part of this plan, licensees have been divided among three implementation tracks based upon existing margin to the revised requirements and anticipated level of effort to demonstrate compliance. The NRC requests specific comment on the staged implementation plan, track assignments, or alternative means to implement the requirements of the proposed rule.

NRC Question 3. The NRC is proposing, in § 50.46c(o)(5) through (9), an implementation approach which takes into account ~~various combinations~~ of design certification ⁶ standard design approvals, manufacturing licenses and combined ~~operating~~ ⁹ licenses ⁶ and their status in relation to the effective date of the rule. The proposed implementation plan for new reactors would allow ~~the applicant~~ ⁹ for a design certification, standard design approval, and manufacturing license under review at the time of the effective date of the rule to come into compliance with the rule at time of renewal. The holder of a combined ~~operating~~ ⁹ license issued prior to the effective date of the rule would be permitted to operate the plant for one fuel cycle before coming into compliance with the rule. Thus, the NRC is proposing to recognize that new reactors may operate for the initial fuel cycle with fuel for which the burnup effects being

accounted for in the rule would not be a consideration. Applications for design certifications, standard design approvals, manufacturing licenses and combined licenses submitted after the effective date of the rule would be expected to be in compliance with the rule at the time of approval.

The NRC is requesting input regarding this implementation proposal, ^{including suggestions} ~~and if there is a~~ ^{for alternate approaches} ~~simpler approach that could be taken.~~ x

NRC Question 4. Paragraph (g)(1)(v) of the proposed rule would require that a specified and NRC-approved limit on long-term peak cladding temperature be established which preserves a measure of cladding ductility throughout the period of long-term demonstration x

(e.g., 30 days). The current regulation § 50.46(b)(5) stipulates that long-term temperature be maintained "at an acceptably low value." The proposed rule would define the x x

performance-based metric to judge an acceptably low temperature. ^{The overall goal of} ~~Ductility is a favorable~~ ^{preserving ductility would provide reasonable} ~~material property and its preservation provides a degree of~~ x

assurance that the fuel rods will maintain their coolable bundle array. The NRC is requesting input regarding this performance objective to determine if this is the most suitable performance-based metric to demonstrate long-term cladding performance.

Alternatively, the proposed rule could establish an analytical limit of long-term fuel rod cladding temperature related to observed corrosion behavior. For example, the Pressurized Water Reactor Owners Group (PWROG) has applied as a long-term core cooling acceptance criterion that the cladding temperature be maintained below 800 °F. Doing so will ensure that additional corrosion and hydrogen pickup over a 30-day period will not significantly affect cladding properties. Topical Report (TR) WCAP-16793-NP, Revision 1, "Evaluation of Long-Term Cooling Considering Particulate, Fibrous and Chemical Debris in the Recirculating Fluid," Appendix A (ADAMS Accession No. ML091190484). The NRC seeks comment on ^{the} ~~this~~ x

for long-term cooling whether acceptance criterion) and whether there is justification for a different temperature limit (other than the 800 degrees provided in the WCAP) x x ^

NRC Question 5. The NRC is considering the cumulative effects of regulation (CER) as it relates to this rulemaking. The CER consists of the challenges licensees face in addressing the implementation of new regulatory positions, programs, and requirements (e.g., rulemaking, guidance, generic letters, backfits, inspections). The CER stems from the total burden imposed on licensees by the NRC from simultaneous or consecutive regulatory actions that can adversely affect the licensee's capability to implement those requirements while continuing to operate or construct its facility in a safe and secure manner.

During the development of this proposed rulemaking, the NRC engaged external stakeholders through multiple public meetings, an ANPR, and public comments. Additionally, the proposed rule would establish a staged implementation plan which reduces overall implementation burden on licensees.

With regard to CER, the NRC requests specific comment on the proposed rule's implementation schedule in light of any existing CER challenges; specifically:

- a. Does the proposed rule's effective date, compliance date, or submittal dates provide sufficient time to implement the new proposed requirements including changes to programs, procedures, and the facility, in light of any ongoing CER challenges?
- b. If there are ongoing CER challenges, what do you suggest as a means to address this situation (e.g., if more time is required for implementation of the new requirements, what time period is sufficient)?

c. Are there unintended consequences (e.g., does the proposed rule create conditions that would be contrary to the proposed rule's purpose and objectives)? If so, what are the unintended consequences?

d. Please comment on the NRC's cost and benefit estimates in the proposed rule regulatory analysis. Specifically, please comment on the vendor hydrogen

new paragraph

Environmental Impacts of the Proposed Action:

This environmental assessment focuses on those aspects of the proposed rulemaking in which the revised requirements could potentially affect the environment. The NRC has concluded that there will be no significant radiological environmental impacts associated with the implementation of the proposed rule requirements for the following reasons:

1) The proposed amendments to the ECCS requirements of § 50.46~~g~~ are unrelated to the integrity of reactor coolant system piping whose sudden failure would initiate a LOCA.

Therefore, the proposed rule does not affect the probability of an accident.

2) The proposed amendments to the Part 50 ECCS requirements are unrelated to the systems, structures and components which mitigate the consequences of a LOCA. These proposed amendments, if approved, would revise and expand the performance requirements for which the ECCS response is judged. With these enhancements, the reactor core would remain coolable. Therefore, the consequences of a postulated LOCA are not changed by the proposed rule.

3) The proposed amendments to the Part 50 ECCS requirements would not impact a facility's release of radiological effluents during and following a postulated LOCA. Therefore, the rule does not affect the amount of effluent released as a result of a possible accident.

This proposed rulemaking would amend calculated evaluation models used to assess the emergency core cooling system's response to a postulated LOCA. The rulemaking would not affect any other procedures used to operate the plant, nor alter the plant's geometry or construction. Further, the proposed amendments would ensure post quench ductility and core coolability following a postulated LOCA, and as such, would not affect the dose to any plant workers following postulated accidents. Similarly, dose to any individual member of the public would not be affected.

For the reasons discussed, the action will not significantly increase the probability or consequences of accidents, nor result in changes being made in the types of any effluents that may be released off-site, and there would be no increase in occupational or public radiation exposure.

With regard to potential nonradiological impacts, the proposed rule would have no significant impact on the environment. The proposed rule to revise and expand the ECCS performance requirements would be applied by an NRC nuclear reactor power plant licensee to the restricted area of its facility only, and in many cases would not result in any physical changes to the plant. Restricted areas of nuclear power plants are industrial portions of the facility constructed upon previously disturbed land, to which access is limited to authorized personnel. As such, it is extremely unlikely that the proposed amendments, if approved, would create any significant impact on any aquatic or terrestrial habitat in the vicinity of the plant, or to any threatened, endangered, or protected species under the Endangered Species Act, or have any impacts to essential fish habitat covered by the Magnuson-Stevens Act. Similarly, it is extremely unlikely that there will be any impacts to socioeconomic, or to historic properties and cultural resources. x

The proposed amendments would not affect the facility, structures, systems and components (SSCs) or operator actions. Therefore, there would be no significant nonradiological environmental impacts associated with the proposed action.

Licensee compliance with the proposed amendments would require an additional license amendment. A National Environmental Policy Act analysis would be conducted for each licensee-specific license amendment review.

An estimate of the number of annual responses: 301

The estimated number of annual respondents: 71 during the first three years of implementation; a total of 115 will be impacted by the rule.

An estimate of the total number of hours needed annually to complete the requirement or request: 47,858 hours (48,058 hours reporting and -200 hours recordkeeping)

Abstract:

The NRC is proposing to amend its regulations to revise the acceptance criteria for the emergency core cooling system (ECCS) for light-water nuclear power reactors as currently required by 10 CFR Part 50. The rule would establish a five-year staged implementation approach to improve the efficiency and effectiveness of the migration to the new ECC requirements. As the first step, vendors will develop, and submit to the NRC for review via topical reports, hydrogen pickup models and LOCA model updates. The vendors would also obtain post-quench ductility (PQD) analytical methods by either selecting analytical limits provided in a regulatory guide, using an NRC-approved experimental approach, or using an experimental approach developed by the vendor. Those PQD limits developed via an experimental method would be submitted to the NRC via a topical report. The vendors would also perform long-term cooling tests to determine long-term cooling limit for each of the nine cladding alloys. In addition, vendors would perform initial breakaway testing. The licensees would report the initial breakaway results to the NRC via their license amendment request. Those licensees that meet the new requirements without new analyses or model revisions would complete any necessary engineering calculations, update their plant UFSAR, and provide a letter report to the NRC documenting compliance. Those licensees which would require new analyses or model revisions to demonstrate compliance would be required to submit a new LOCA analysis of record. The rule would also require licensees to conduct periodic breakaway

X

testing, and include those results in the yearly ECCS report. Lastly, the rule would add a requirement to report errors in ECR to the NRC. This would be submitted within the same yearly ECCS report.

The NRC is seeking public comment on the potential impact of the information collections contained in this proposed rule ~~(or proposed policy statement)~~ and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?
2. Is the estimate of burden accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques?

The public may examine and have copied, for a fee, publicly available documents, including the draft supporting statement, at the NRC's Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, Maryland, 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Send comments on any aspect of these proposed information collections, including suggestions for reducing the burden and on the previously stated issues, by **[INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]** to the Information Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet electronic mail to INFOCOLLECTS.Resource@nrc.gov and to the Desk Officer, Chad

entities" set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

XVIII. Backfitting and Issue Finality

Proposed 10 CFR 50.46c Rule

The proposed rule, 10 CFR 50.46c, would apply to current nuclear power plant licensees (including holders of renewed licenses). The proposed rule would apply to all current and future applicants for combined licenses under Part 52 regardless of fuel design or cladding material, including all current and future applicants for combined licenses under Part 52 that reference one of the existing standard design certification rules in Part 52, Appendices A through D. The proposed rule would apply to all current and future applicants for LWR standard design certification rules under Part 52. Finally, the proposed rule would apply to all future applicants for manufacturing licenses under Part 52 (there are no current applicants or holders of manufacturing licenses). Each of these classes of licenses and regulatory approvals is discussed in the following sections.

Operating Licenses

With respect to current nuclear power plant licensees, the NRC assumes that imposition of the proposed rule would constitute backfitting as defined in § 50.109(a)(1). However, the NRC believes that the proposed rule must be imposed upon current nuclear power plant licensees in order to ensure adequate protection to the public health and safety. ^{The proposed rule will ensure that the level of protection intended to level of protection (i.e., reasonable assurance of adequate protection) which the NRC thought would be achieved (throughout the entire term of licensed operation) by the current rule.} ^{is maintained}

Therefore, the NRC has determined that the proposed rule is necessary to ensure that the

facility provides adequate protection to the health and safety of the public, and that a backfit analysis as described in §§ 50.109(a)(3) and (b) need not be prepared under the exception in § 50.109(a)(4)(ii).

Imposing the redefinition of fuel cladding acceptance criteria on current nuclear power plant licensees is justified under the provisions of § 50.109(a)(4)(ii) as the requirements of the proposed rule are necessary to ensure adequate protection to the public health and safety by ~~restoring~~ ^{maintaining} that level of protection (i.e., reasonable assurance of adequate protection) which the NRC thought would be achieved (throughout the entire term of licensed operation) by the current rule. x

Information developed through the NRC's high burnup fuel research program has identified that the current criterion for preventing fuel cladding embrittlement may not be adequate to ensure the health and safety of the public. As discussed in Sections II and V of this Statement of Considerations, zirconium-based alloy fuel cladding materials may be subject to embrittlement at a lower combination of temperature and level of oxygen absorption (17 percent) than currently allowed under § 50.46(b)(1) due to absorption of hydrogen during normal operation. The proposed rule would correct those limits initially established to prevent embrittlement of zirconium-based alloy cladding material based on the new research information. In addition, the research work has identified new phenomena, such as breakaway oxidation and oxygen diffusion from the cladding inside surfaces, which are believed to further adversely affect the fuel cladding embrittlement process. Thus, post quench ductility (which is necessary to ensure coolable core geometry)³ is not guaranteed following a postulated LOCA.

³ The Commission concluded, as part of the 1973 Emergency Core Cooling System rulemaking, that retention of ductility in the zircaloy cladding material was determined to be the best guarantee of its remaining intact during the hypothetical loss-of-coolant accident, thereby maintaining a coolable core geometry. See *Acceptance Criteria for Emergency Core Cooling Systems for Light-Water-Cooled Nuclear Power Reactors*, CLI-73-39, at page 1098 (December 28, 1973).

The proposed rule would establish new requirements for zirconium-based alloys to prevent breakaway oxidation and account for oxygen diffusion from the oxide fuel pellet during the operating life of the fuel. In sum, the NRC believes that imposing the requirements of the proposed rule is necessary to prevent embrittlement of fuel cladding and to ~~restore~~ ^{ensure that} the rule to ~~maintains~~ ^{maintains} the level of reasonable assurance of adequate protection to public health and safety. x

Combined License Applicants

Imposing the requirements of the proposed rule on current and future applicants for combined licenses under Subpart C of Part 52 would not constitute backfitting. Neither the Backfit Rule nor the finality provisions for combined licenses in §§ 52.83 or 52.98 protect either a current or prospective applicant for a combined license from changes in the NRC rules and regulations. The NRC has long adopted the position that the Backfit Rule does not protect current or prospective applicants from changes in NRC requirements or guidance because the policies underlying the Backfit Rule are largely inapplicable in the context of a current or future application. This position also applies to each of the issue finality provisions in Part 52.

Standard Design Certifications

Imposing the requirements of the proposed rule on current and future applicants for standard design certification rules would not constitute backfitting. Neither the Backfit Rule nor the finality provisions for final design certification rules in § 52.63 protect either a current or prospective applicant for a standard design certification rule from changes in the NRC rules and regulations.

415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

2. In § 50.8, paragraph (b) is revised to read as follows:

§ 50.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 50.30, 50.33, 50.34, 50.34a, 50.35, 50.36, 50.36a, 50.36b, 50.44, 50.46, 50.46c, 50.47, 50.48, 50.49, 50.54, 50.55, 50.55a, 50.59, 50.60, 50.61, 50.61a, 50.62, 50.63, 50.64, 50.65, 50.66, 50.68, 50.69, 50.70, 50.71, 50.72, 50.74, 50.75, 50.80, 50.82, 50.90, 50.91, 50.120, and appendices A, B, E, G, H, I, J, K, M, N, O, Q, R, and S to this part.

50.150, x

* * * * *

3. In § 50.34, paragraphs (a)(4) and (b)(4) are revised to read as follows:

§ 50.34 Contents of applications; technical information.

(a) * * *

(4) A preliminary analysis and evaluation of the design and performance of structures, systems, and components of the facility with the objective of assessing the risk to public health and safety resulting from operation of the facility and including determination of the margins of safety during normal operations and transient conditions anticipated during the life of the facility,

5. A new § 50.46c is added to read as follows:

§ 50.46c Emergency core cooling system performance during loss-of-coolant accidents.

(a) *Applicability.* The requirements of this section apply to the design of a light water nuclear power reactor (LWR), and to the following entities who design, construct or operate an LWR: each applicant for or holder of a construction permit under this part, each applicant for or holder of an operating license under this part (until the licensee has submitted the certification required under 10 CFR 50.82(a)(1) to the NRC), each applicant for or holder of a combined license under 10 CFR part 52, each applicant for a standard design certification (including the applicant for that design certification after the NRC has ^[delete extra space] adopted a final design certification rule), each applicant for a standard design approval under 10 CFR part 52, and each applicant for a manufacturing license under 10 CFR part 52. x

(b) *Definitions.* As used in this section:

Breakaway oxidation, for zirconium-alloy cladding material, means the fuel cladding oxidation phenomenon in which weight gain rate deviates from normal kinetics. This change occurs with a rapid increase of hydrogen pickup during prolonged exposure to a high temperature steam environment, which promotes loss of cladding ductility.

Evaluation model means the calculational framework for evaluating the behavior of the reactor system (including fuel) during a postulated loss-of-coolant accident (LOCA). It includes one or more computer programs and all other information necessary for application of the calculational framework to a specific LOCA, such as mathematical models used, assumptions included in the programs, procedure for treating the program input and output information, specification of those portions of analysis not included in computer programs, values of

amendment) are docketed after [EFFECTIVE DATE OF RULE], and new branches of these certifications whose applications are docketed after [EFFECTIVE DATE OF RULE] must comply with this section at their issuance.

(6) Standard design certifications under part 52 issued before [EFFECTIVE DATE OF RULE], must comply with this section by ^{the time of} ~~no later than their~~ renewal. ↗

(7) Standard design certifications, standard design approvals, and manufacturing licenses under part 52 of this chapter issued after [EFFECTIVE DATE OF RULE] whose applications were pending as of [EFFECTIVE DATE OF RULE] and new branches of certifications issued after [EFFECTIVE DATE OF RULE] whose applications were pending as of [EFFECTIVE DATE OF RULE] must comply with this section by ^{the time of} ~~no later than their~~ renewal. ✕

(8) Combined licenses under part 52 of this chapter docketed after [EFFECTIVE DATE OF RULE] must comply with this section at their issuance.

(9) Combined licenses under part 52 of this chapter docketed or issued before [EFFECTIVE DATE OF RULE] must comply with this section no later than completion of the first refueling outage after initial fuel load. Until such compliance is achieved, the requirements in § 50.46 continue to apply.

Table 1: Implementation dates for Nuclear Power Plants with operating licenses and construction permits as of [EFFECTIVE DATE OF RULE].

SECY-12-0034, Enclosure 2
Regulatory Analysis for Proposed Rulemaking 10 CFR 50.46c:
“Emergency Core Cooling System Performance During Loss-of-
Coolant Accidents”

On March 14, 2000, as amended on April 12, 2000, the Nuclear Energy Institute (NEI) submitted a petition for rulemaking (PRM) requesting that the NRC amend its regulations in §§ 50.44 and 50.46 (PRM-50-71). The NEI petition noted that these two regulations apply to only two specific zirconium-alloy fuel cladding materials (zircaloy and ZIRLO™). The NEI stated that reactor fuel vendors¹ had subsequently developed new cladding materials other than zircaloy and ZIRLO™ and that, in order for licensees to use these new materials under the regulations, licensees had to request NRC approval of exemptions from §§ 50.44 and 50.46.

On May 31, 2000, the NRC published a notice of receipt (65 FR 34599) and requested public comment. The public comment period ended on August 14, 2000, and the NRC received 11 public comment letters from public citizens and the nuclear industry. Although the majority of the comments generally supported the requests of the PRM, one commenter suggested that the enhanced efficiency of the proposal would be at the expense of public health and safety. The NRC disagrees with that commenter and notes that, while the petition's proposal would remove specific zirconium-alloy names from the regulation, the NRC review and approval of specific zirconium-alloys for use as reactor fuel cladding would be required prior to their use in reactors (with the exception of lead test assemblies permitted ^{by} technical specifications). A detailed x discussion of the public comments submitted on PRM-50-71 is contained in a separate document (see Section IX of the ^{proposed rule} Statement of Considerations (SOC), "Availability of Documents.") x

After evaluating the petition and public comments received, the NRC decided that PRM-50-71 should be considered in the rulemaking process. The NRC's determination was published in the *Federal Register* (FR) on November 6, 2008, (73 FR 66000). Because most of the issues raised in this PRM pertain to § 50.46, the PRM is addressed in this proposed rule.

¹ For the purpose of this analysis, the term "vendor" refers to manufacturers of NRC approved fuel assembly designs. To support implementation of the proposed requirements on individual plant docket, fuel vendors would submit for NRC review alloy-specific hydrogen uptake models and LOCA model updates.

recommendations in RIL-0801, RIL-0801 has been supplemented to reference the additional reports and incorporate findings (ADAMS Accession No. ML113050484).

The NRC publicly released the technical basis information in RIL 0801 on May 30, 2008, and NUREG/CR-6967 on July 31, 2008. When the NRC publicly released NUREG/CR-6967, the NRC published in the FR a notice of availability of the RIL and NUREG/CR-6967, together with a request for comments (73 FR 44778). In that notice, the NRC stated that these documents and comments on the documents would be discussed at a public workshop to be scheduled in September 2008. The public workshop was held on September 24, 2008, and included presentations and open discussion between representatives of the NRC, international regulatory and research agencies, domestic and international commercial power firms, fuel vendors, and the general public. A summary of the workshop, including a list of attendees and presentations, is available at ADAMS Accession No. ML083010496. The NRC has not prepared responses to comments received on the technical basis information as a result of the July 31, 2008, *Federal Register* Notice (FRN) (including comments received in the 2008 public workshop), because: i) the public workshop was held, in part, to discuss public comments on the technical basis information, and ii) further opportunity to comment is available during the proposed rule's formal public comment period.

Based upon a preliminary safety assessment in response to the research findings in RIL-0801, the NRC determined that immediate regulatory action was not required, and that changes to the ECCS acceptance criteria to account for these new findings could reasonably be addressed through the rulemaking process. Recognizing that finalization and implementation of the new ECCS requirements would take several years, the NRC completed a more detailed safety assessment which confirmed current plant safety for every operating reactor. See Section V.F of the ^{proposed rule} SOC for further information.

On March 15, 2007, Mark Leyse submitted a PRM to the NRC (ADAMS Accession No. ML070871368). In the petition, which was docketed as PRM 50-84, the petitioner requests that

Objectives

The principal objectives of the proposed revision to the requirements for ECCS performance for light-water nuclear power reactors are to provide more performance-based criteria and also account for the new research information. Further, the NRC intends to expand the applicability of the rule to all fuel design and fuel cladding materials. In addition, this proposed rule would address the issues raised in PRM-50-71 and PRM-50-84.

As noted in Section V of the ^{Proposed rule} SOC, and expanded upon in Section XVII of the SOC, "Backfitting and Issue Finality," this rulemaking is proposed because of the NRC's position that it is necessary to ensure adequate protection to the public health and safety. ^{The proposed rule} ~~by restoring that level of protection (i.e., reasonable assurance of adequate protection) which the NRC thought would be achieved (throughout the entire term of licensed operation) by the current rule.~~ ^{will ensure that the level of protection intended to} ~~of protection (i.e., reasonable assurance of adequate protection) which the NRC thought would~~ ^{is maintained} Regulatory guidance, in the form of three regulatory guides, were developed in order to: (1) provide a clear, acceptable methodology for supporting and establishing the performance-based regulatory limits called for in [§] 50.46c(2) ² simplify the staff's review process; and (3) reduce regulatory uncertainty and thereby help to minimize the costs associated with the implementation of the regulatory requirements proposed for [§] 50.46c. The three regulatory guides are: DG-1261, "Conducting Periodic Testing for Breakaway Oxidation Behavior," (ADAMS Accession No. ML110840089), DG-1262, "Testing for Post Quench Ductility," (ADAMS Accession No. ML110840283), and DG-1263, "Establishing Analytical Limits for Zirconium-Based Alloy Cladding" (ADAMS Accession No. ML110871607).

This regulatory analysis was developed following the "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission"³ (Guidelines). In particular, with regard to adequate protection, the Guidelines state that "The level of protection constituting 'adequate protection' is that level which must be assured *without regard to cost*" (emphasis added). The Guidelines

³ NUREG/BR-0058, Revision 4, "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission," Office of Nuclear Regulatory Research, September 2004.

also state that "... a proposed backfit to one or more of the facilities regulated under 10 CFR Part 50 does not require a regulatory analysis if the resulting safety benefit is required for purposes of compliance or adequate protection under 10 CFR 50.109(a)(4)." However, the Guidelines note that if there is more than one way to achieve compliance or reach a level of adequate protection, costs may be a factor in that decision. The NRC believes that a rulemaking is the only credible regulatory action that can provide the necessary adequate protection in this case. With respect to the regulatory guides, the NRC believes that the development of such guidance is desirable ^{for} in § 50.46c in order to ensure a consistent means of generating and using experimental data to establish regulatory limits.

Disaggregation

In order to comply with the guidance provided in Section 4.3.2 ("Criteria for the Treatment of Individual Requirements") of the Regulatory Analysis Guidelines, the NRC conducted a screening review to determine if any of the individual requirements (or set of integrated requirements) of the proposed rule are unnecessary to achieving the objectives of the rulemaking. The NRC determined the objectives of the rulemaking are to: 1) incorporate recent research findings; 2) establish performance-based requirements for ECCS in the event of a LOCA; 3) expand the regulation's applicability; and (4) incorporate the requests of two PRMs. Furthermore, the NRC concluded that each of the proposed rule's requirements is necessary to achieve one or more objectives of the rulemaking. The results of this determination are set forth in the following table.

Table 1 – Disaggregation

Regulatory Goals for 10 CFR 50.46c	1) Revise the ECCS acceptance criteria to reflect recent research findings	2) Establish performance-based requirements	3) Expand applicability of the 10 CFR 50.46 to all fuel types and cladding materials	4) Incorporate requests of 2 PRMs
Paragraph (a) Applicability.			X	X
Paragraph (b) Definitions.	X			
Paragraph (d) Emergency core cooling system design.		X		
Paragraph (g) Fuel system designs: uranium oxide or mixed uranium-plutonium oxide pellets within cylindrical zirconium-alloy cladding.	X			
Paragraph (k) Use of NRC approved fuel in reactor.			X	X
Paragraph (m) Reporting.	X			
Appendix K to 10 CFR Part 50, Paragraph (I)(B)				X

II. Identification and Preliminary Analysis of Alternative Approaches

Given the existing data and information, this proposed rule is considered by the NRC to be the only credible regulatory action to attain adequate protection. Consequently, a rulemaking is the only regulatory action alternative considered. The no-action option is used only as a basis against which to measure the costs and benefits of the proposed rule.

In light of recent research findings which indicate that the current regulations do not always ensure post quench ductility (PQD) following a LOCA, this proposed rule is necessary to ensure adequate protection to the public health and safety by ~~restoring~~^{maintaining} that level of protection (i.e, reasonable assurance of adequate protection) which the NRC thought would be achieved (throughout the entire term of licensed operation). However, based upon a preliminary safety assessment in response to the research findings in RIL-0801, the NRC determined that immediate regulatory action was not required, and that changes to the ECCS acceptance criteria to account for these new findings could reasonably be addressed through the rulemaking process. Recognizing that finalization and implementation of the new ECCS requirements would take several years, the NRC completed a more detailed safety assessment which confirmed current plant safety for every operating reactor. See Section V.F of the ^{proposed rule} SOC for further information.

Proposed Rule

The proposed rule would amend the current regulations for ECCS acceptance criteria, found in § 50.46(b), by establishing performance-based requirements. The proposed rule would expand applicability to all light water reactors, regardless of fuel design or cladding materials. It should be noted that this amendment would satisfy a request of a PRM (docketed as PRM-50-71). The proposed rulemaking would also incorporate recent research findings which identified previously unknown cladding embrittlement mechanisms and expanded the NRC's knowledge of previously identified mechanisms. Specifically, the research identified that hydrogen, which is absorbed in the cladding during normal operation, has a significant influence on embrittlement during a postulated accident. Finally, the proposed rule would require licensees to evaluate the thermal effects of crud and oxide layers which may have developed on the fuel cladding. It should be noted that this amendment would satisfy a request of a PRM (docketed as PRM-50-84).

possible. ~~However, impacts to accident-related attributes are qualified because new research has determined that existing estimates of probabilities of accidents were found to be too low. This proposed rule attempts to retain the level of safety that NRC previously determined to have been acceptable.~~

Assumptions

All 104 currently operating light-water nuclear power reactors will be affected by this proposed rule. The quantifiable impacts, (i.e., those which are able to be monetized) are the implementation and operation costs for both industry and the NRC. All monetized costs are expressed in 2014 dollars, the year the rule is assumed to be implemented. Other than for operating reactors which have indicated they would not seek a license renewal, this analysis assumes that remaining operating reactors' life expectancy will include a 20-year license extension. As a result, the average license will expire in 2039. Given the rule is assumed to be implemented in 2014, the average remaining life will be 25 years from implementation and any recurring costs will be discounted over that time period. Any costs incurred over future years are discounted back to 2014 values. Based on the most recent NRC labor rates, an NRC staff-year is valued at \$173,000, while an annual industry staff labor rate of \$200,000 is assumed.

There are currently two design certifications that are expected to be renewed. For the regulatory analysis, the NRC assumes that these are the only design certifications that will be submitted.

The NRC assumes that there are six future operating light-water nuclear power reactors that would be affected by this rule. The nuclear power reactors are: Watts Bar Nuclear Power Plant, Unit 2, with an assumed beginning of operations date in 2013; Vogtle, Units 3 and 4, with an assumed beginning of operations date of 2017; Virgil C. Summer Nuclear Station, Units 2

and 3, with an assumed beginning of operations dates of 2017 and 2019, respectively; and Bellefonte Nuclear Station Unit 1, with an assumed beginning of operations date of 2020.⁵

The NRC assumes that other new design certifications could be submitted to the NRC for approval and ~~have~~ ^{has} developed a hypothetical design certification to analyze the costs and benefits of the proposed rule on a design certifications. X

The NRC also assumes that other new light-water nuclear power reactors could begin to operate in the future and ~~have~~ ^{has} developed a hypothetical light-water nuclear power reactor to analyze the costs and benefits of the proposed rule on a new light-water nuclear power reactor. X

The NRC assumes that no other types of reactors will be built and that there will be no significant differences between the future operating reactors and the hypothetical reactor.

Another assumed difference in this analysis is that Industry Implementation costs are separated into so-called direct and indirect costs. This difference is explained further in the Industry Implementation paragraph.

This regulatory analysis assumes that the final rule is published on January 1, 2014. It would then take vendors approximately one year to submit their revised models. This regulatory analysis assumes that nine alloy-specific cladding hydrogen uptake models would need to be developed and twelve existing LOCA models would need to be revised in order to implement the proposed rule. (To facilitate this analysis, and the assumptions within, the LOCA models are distinguished between PQD/Breakaway and Long-Term Cooling.) Next, we assume 1 year for the NRC review and comment of the nine vendor cladding hydrogen uptake models, and 2 years for the NRC review and comment of the twelve vendor LOCA models. Next, the 65 plants in Track 1 would demonstrate compliance within 24 months by providing a letter report to the NRC. No NRC review of these letters is necessary. Finally, the remaining 39 plants in Tracks 2 X

⁵ Bellefonte Nuclear Station, Unit 2, as well as all other combined operating licenses submitted to the NRC are too speculative in nature to be included in the regulatory analysis. applications

and 3 would demonstrate compliance within 48 months and 60 months, respectively, by submitting a new LOCA analysis of record.

Industry Implementation – This attribute is composed of indirect and direct licensee implementation costs for operating reactors, design certifications and future operating reactors. The proposed rule would require licensees of operating reactors, design certifications, and future operating reactors to make use of revised ECCS analysis models based upon the new required acceptance criteria. The revised ECCS models and alloy-specific cladding hydrogen uptake models would be developed by vendors, at the request and expense of the licensees. Because the vendors are not licensed by the NRC and are developing the revised ECCS models because of the new requirements being imposed upon licensees, these costs are considered to be *indirect industry implementation costs*. The vendors would also produce licensing topical reviews describing the new models for NRC review and approval. The vendors would also produce test data to characterize alloy performance and develop analytical limits based on this test data ^{to be} included within each alloy's topical review. K

After NRC approval in relation to operating reactors, the models would be run to perform plant-specific analyses, demonstrate compliance with the proposed acceptance criteria, and to employ the post quench ductility (PQD) analytical limits. Costs incurred by licensees under these three tracks are considered *direct industry implementation costs*.

Sixty-five operating plants under Track 1 and ^{five} future operating plants with similar implementation steps as Track 1 would complete any necessary engineering calculations, update their plant updated final safety analysis report (UFSAR) and provide a letter report to the NRC documenting compliance ^{with} § 50.46c. The plants in Track 1 meet the new requirements without new analysis or model revisions (beyond use of Cathcart-Pawel – Equivalent Cladding Reacted (CP-ECR) to integrate time-at-temperature and hydrogen uptake models to establish PQD analytical limits), and thus would meet the new requirements with a low level of effort. The K X

regardless of fuel design. This eliminates the need for exemption requests, and represents a benefit.

NRC Implementation – The NRC would incur several implementation costs. The first set of costs is for the development of the regulatory guides and final rule. Once the rule is implemented, the NRC would review and approve the approximately 21 vendor licensing topical reviews which provide the revised ECCS analysis models. Next, the NRC would need to review the approximately 27 revised ECCS Analyses of Record (AOR) in Track 2 and 3 (due to multiple units sites which share common analyses, total number of AORs reduced from 39 plants). Lastly, the proposed rule would eliminate the need for licensees to submit an exemption request to use materials other than “uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding.” The NRC would no longer be required to review such exemption requests, which results in a benefit

Industry Operation – Industry would incur annual costs in performing the Periodic Breakaway tests. These tests involve the performance of the required breakaway oxidation tests as performed by vendors and, as a result, are considered indirect costs. These costs would be incurred for plants that are both currently operating or operating in the future (does not apply to design certifications). The NRC notes that the proposed rule would require licensees to report errors in calculated equivalent cladding reacted (ECR) in concert with reported changes in PCT. For the purposes of this analysis, the NRC assumes that the cost of reporting ECR is negligible since licensees calculate ECR under the current regulation and are already required to report changes to or errors in ECCS evaluation models with respect to calculated PCT.

The NRC notes that the proposed reporting criteria is restructured and rewritten to provide clarification on which items need to be reported, and the timeframe for reporting. The

proposed additional language clarifies the intent of the current regulation. As such, the proposed revision does not constitute a change in burden to the NRC or the industry.

NRC Operation – NRC would experience recurring costs as a result of the industry's periodic breakaway tests by analyzing the test results. The NRC would also incur annual costs as a result of reviewing reported errors in calculated ECR. However, the current regulation requires licensees to report errors in calculated PCT, and the actions the NRC would take for an error in ECR are the same as those actions for errors in calculated PCT. Additionally, errors in calculated ECR would have an associated error in calculated PCT. For all of these reasons, the NRC assumes that the change in annual cost between the current and proposed rule, with respect to reporting ECR, are negligible.

Improvements in Knowledge – The proposed rule incorporates research findings which identified new cladding embrittlement mechanisms. As a result, future LOCA analysis will improve ^{the} ~~their~~ predictions of cladding embrittlement. X

Regulatory Efficiency – Expanding the applicability of this rule to different fuel designs and additional cladding materials would contribute to ^{the} regulatory efficiency by eliminating the need for licensees to submit exemption requests for different fuel designs or cladding material. X

Public Health (Accident) – As noted above, the NRC is initiating these new requirements so that the risk of accidental radiation exposure to the public remains at the previously assumed level. This corresponds to a decrease in the value of this attribute from the existing actual value.

Occupational Health (Accident) – Similarly, the NRC assumes that the risk of an accidental radiation exposure is now at the level it was assumed to have been prior to the proposed rule. Again, this corresponds to a decrease in the value of this attribute.

Onsite Property – Likewise, the NRC assumes that the risk of damage to onsite property is now at the level it was assumed to have been prior to the proposed rule. As seen above, this corresponds to a decrease in the value of this attribute and represents a cost savings.

noted above, because the vendors are not licensed by the NRC and are developing the revised ECCS models because of the new requirements being imposed upon licensees, these are considered to be *indirect industry implementation costs*. The Cladding Hydrogen Uptake Models are assumed to be performed in a one-year period in 2014 and the LOCA Models are assumed to be performed in a 2-year period between 2013 and 2014. The Initial Breakaway Tests are assumed to be performed in 2014. The nine hydrogen uptake models are assumed to require 0.75 full-time equivalent (FTE)/year/alloy. (For this analysis, the NRC assumes an industry labor rate of \$200,000/year.) The 12 LOCA models (PQD and breakaway) are assumed to require 0.75 FTE/year/alloy. The 12 LOCA models (long-term cooling) are assumed to require 0.5 FTE/year/alloy. There are also assumed to be nine Initial Breakaway Test Models requiring a third of an FTE each and that the tests would be performed in 2014. The 9 models of Cladding Alloys cost an estimated \$1,350,000. Further, all 12 of the LOCA models (which include estimates for the completion of the topical reports) are estimated to cost \$3,000,000.⁶ The Initial Breakaway Test is expected to occur in 2014 and has an estimated cost of \$600,000.

Adding to the Licensee Implementation Costs for Operating Reactors are the Track 1, Track 2, and Track 3 activities. The NRC assumes that there would be 50, 13, and 14 revised AORs in the three tracks, respectively. Due to multiple unit sites which share common analyses, the number of AORs is less than the 104 plants. Track 1 actions would require 0.5 FTE over a two year period (0.25 FTE/year); Track 2 actions would require 1.5 FTE over a 3 year period (0.5 FTE/year); Track 3 actions would require 2.25 FTE over a 3 year period (0.75 FTE/year). The NRC estimates the total costs for these tracks range from \$13,397,000 (7 percent real discount rate) to \$14,371,000 (3 percent rate). Track 1 has values ranging from \$4,836,000 (7 percent) to \$4,927,000 (3 percent). Track 2 ranges from \$3,411,000 (7 percent)

⁶ In this analysis, where activities occur in 2014, no discounted values are provided.

to \$3,667,000 (3 percent). Similarly, for Track 3, the cost estimate ranges from \$5,150,000 (7 percent) to \$5,767,000 (3 percent).

Another potential indirect licensee cost for operating reactors would be the development of new PQD analytical limits in place of utilizing the acceptable PQD analytical limits provided in the regulatory guide. For the purpose of this regulatory analysis, the NRC assumes that the industry elects to establish new PQD analytical limits for two cladding alloys requiring a quarter of an FTE per year. It is also assumed that this test will be accomplished in 2014, and the estimated cost is \$100,000. The remaining seven cladding alloys will utilize the PQD analytical limits in the regulatory guide (RG). The NRC assumes that, due to the high cost of establishing a new experimental technique (outside the acceptable experimental technique in the RG), no vendor will choose that method.

The last Licensee Implementation Test is the long-term cooling test. The NRC assumes that nine cladding alloys will need to be tested, requiring 0.15 FTE per year. It is also assumed that this test will be accomplished in 2014. The total cost for the long-term cooling testing is estimated to be \$270,000.

The proposed rule reduces licensee implementation cost by eliminating the need for exemption requests to use materials other than uranium-oxide fuel pellets within cylindrical zircaloy or ZIRLO cladding. The NRC assumes that 50 plants (five per year over a 10-year period, beginning in 2014) would request an exemption if the proposed rule did not extend applicability. It is also assumed that the exemption requests would require 0.2 FTE per exemption request. This results in a total savings ranging from \$1.5 million (7 percent) to \$1.76 million (3 percent). The estimated implementation cost for operating reactors ranges from \$22,531,000 (7 percent) to \$26,323,000 (3 percent).

costs of the periodic breakaway testing for operating reactors is \$5,318,000 (7 percent) and \$8,390,000 (3 percent).

Table 6, Industry Operation Costs for Future Operating Reactors, on page 37, shows the industry operation costs for future operating reactors. The NRC assumes that Watts Bar will perform a periodic breakaway test in 2015, 2017 and 2019 during reloading fuel. After 2020, all six reactors will be online and the number of reloads per year will be, on average, 4 for the 57 years of remaining life, with an average FTE requirement of 0.05 FTE per reload. The estimated total cost for the industry operation costs for future operating reactors ranges from \$372,000 (7 percent) to \$911,000 (3 percent).

The total estimated industry operation cost for operating reactors, design certifications and future operating reactors ranges from \$5,690,000 (7 percent) to \$9,301,000 (3 percent).

Total Industry Costs

Table 7, Total Industry Costs, on page 37, shows the total industry costs broken down between direct and indirect costs as well as by implementation and operation costs. The total industry costs range from \$23,922,000 (7 percent) to \$28,402,000 (3 percent).

Industry Average Implementation Costs per Designated Unit

Table 8, Industry Average Implementation Cost per Designated Unit, on pages 38 – 41, provides the estimates of the various average costs per designated unit, by type of cost for operating reactors, design certifications and future operating reactors. As shown, the largest average designated unit cost contributors for operating reactors and future operating reactors are the 3 Track Activities. Almost all of the average designated unit cost contributors for design certifications are from the initial breakaway test. The total industry operating reactor implementation cost per AOR estimate ranges from \$225,000 (7 percent) to \$235,000 (3 percent). The total industry design certification implementation estimated cost per reactor/

Dee
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certification X

ranges from \$245,000 (7 percent) to \$275,000 (3 percent). The total industry future operating reactor implementation cost per reactor/AOR estimate ranges from \$273,000 (7 percent) to \$314,000 (3 percent).

NRC Implementation Costs

Table 9, NRC Implementation Costs Affecting Operating Reactors, Design Certifications and Future Operating Reactors, on page 42, shows the NRC implementation costs that affect operating reactors, design certifications and future operating reactors. Three regulatory guides would be published as a result of this rule. The first relates to analytical limits and the second and third to test procedures. As shown in Table 9, the NRC estimates the costs to be approximately \$865,000. This is based upon the assumptions of 5 NRC staff-years to complete the regulatory guides, with an NRC yearly rate of \$173,000. The NRC also assumes that it will take approximately 2 calendar years to complete the guides.

The NRC would also need to develop and issue a revision to NUREG-0800 [“]Standard Review Plan [”] *for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition*. The cost estimates for this action would require one FTE and is estimated to be \$173,000.

The NRC would also incur costs reviewing and commenting on the hydrogen uptake models and the LOCA models. For the hydrogen uptake models, the NRC estimates that it would take 2 FTE at \$173,000 annually, be implemented in 2015, and, therefore, ranging from \$323,000 (7 percent) to \$336,000 (3 percent). The NRC review of the LOCA models (PQD, Breakaway) is estimated to take 2 FTE/year over a two year period, beginning in 2015. The cost for this activity is estimated to be from \$625,000 (7 percent) to \$662,000 (3 percent). The NRC review of the LOCA models (long-term cooling) is estimated to take 1 FTE/year over a two-year period, beginning in 2015. The cost for this activity is estimated to be from \$313,000 (7 percent) to \$331,000 (3 percent). Next, the NRC estimates that this final rule development

would take approximately 6 FTE over 1.5 years, beginning in 2012, and have a cost of approximately \$1,038,000.

Table 10, NRC Implementation Costs for Operating Reactors, on pages 43 – 44, shows the NRC implementation costs for operating reactors. The NRC's break away test review is assumed to require 1 FTE in the year 2015. The resulting cost estimate ranges from \$162,000 (7 percent) to \$168,000 (3 percent).

Table 10 also provides estimated implementation costs for operating reactors for analysis of record reviews for Tracks 2 and 3. (Track 1 compliance for operating reactors is demonstrated through a letter report – no NRC review is necessary.) These efforts would take place over a 2 year period and begin in the years 2016, 2018, and 2019 for the Tracks 1, 2, and 3, respectively. Because Track 1 requires no NRC review, there is no cost associated with this track. For Track 2, the range is \$511,000 ^[space] (7 percent) to \$605,000 (3 percent). Lastly, for Track 3, the values range from \$478,000 (7 percent) to \$588,000 (3 percent). Therefore, the total estimated NRC implementation cost for the amendment reviews ranges from \$989,000 (7 percent) to \$1,193,000 (3 percent). The next NRC implementation costs for operating reactors are a result of PQD Tests. As mentioned, the assumption is that only two cladding alloys would need to be done under the so-called "redone NRC Version." Per cladding alloy is assumed to require 0.25 FTE, beginning in 2015. The resulting estimates are calculated to be \$81,000 (7 percent) to \$84,000 (3 percent).

The last NRC implementation costs are a result of long-term cooling (LTC) tests. The assumption is that the NRC review would require 0.15 FTE for each of the 9 cladding alloys, beginning in 2015. The resulting estimates are calculated to be \$219,000 (7 percent) to 227,000 (3 percent).

The proposed rule eliminates the need for the NRC to review licensee exemption requests to use materials other than uranium-oxide fuel pellets within cylindrical zircaloy or ZIRLO cladding; this represents a cost savings. The NRC assumes that 50 plants (five per year

over a 10-year period, beginning in 2014) would request an exemption if the proposed rule did not extend applicability. It is also assumed that NRC review of the exemption requests would require 0.1 FTE per exemption request. This results in a total savings ranging from \$750,000 (7 percent) to \$879,000 (3 percent).

x

Therefore, the total NRC Implementation costs for operating reactors are estimated to range from \$798,000, using a 7 percent real discount rate, and \$907,000 using a 3 percent rate.

Table 11, NRC Implementation Costs for Design Certifications, on page 44, shows the NRC implementation costs for design certifications. In 2018, a review of the ~~license~~ ^{certification} amendment analysis for both design certifications, requiring 0.27 FTE each, and providing an estimated cost range from \$70,000 (7 percent) to \$82,000 (3 percent). The total NRC implementation costs for design certifications ranges from \$70,000 (7 percent) to \$82,000 (3 percent).

x

Table 12, NRC Implementation Costs for Future Operating Reactors, on page 45, shows the NRC implementation costs for future operating reactors. A breakaway test review would be performed in 2015 by the NRC for Watts Bar and would require 0.01 FTE for an estimated cost of \$2,000. The NRC breakaway test reviews for the Summer and Vogtle reactors would be conducted in 2020, requiring 0.05 FTE and has an estimated cost range from \$5,000 (7 percent) to \$9,000 (3 percent). The NRC breakaway test review for Bellefonte 1 would be conducted in 2021, requiring 0.01 FTE and has an estimated cost range from \$1,000 (7 percent) to \$2,000 (3 percent). Also, as all future operating reactors are assumed to be submitting LARs following the Track 1 methodology, no NRC review is required. The last implementation cost is the LTC review costs. The NRC would review the Watts Bar LTC test in 2015, requiring 0.04 FTE for an estimated cost of \$7,000. The NRC would perform the Summer and Vogtle units LTC test reviews in 2020, requiring 0.04 FTE per reactor for an estimated cost range from \$19,000 (7 percent) to \$23,000 (3 percent). The NRC would perform the Bellefonte 1 LTC test review in 2021, requiring 0.04 FTE for an estimated cost range from \$4,000 (7 percent) to \$6,000 (3

VI. Implementation

Proposed Rule

It is assumed that the rule would initially take effect 30 days after its publication in the FR. The rule would establish a staged implementation approach to improve the efficiency and effectiveness of the migration to the new ECCS requirements. The staged implementation plan will have a duration of 5 years. As the first step, vendors will develop, and submit to the NRC for review via topical reports, hydrogen pick up models and LOCA model updates. This is expected to occur during the first year. Also, during the first year, the vendors will obtain PQD analytical methods by either: 1) using the analytical limits provided in an NRC regulatory guide, or 2) using an NRC approved experimental method provide in a regulatory guide. (A third option, which involves the vendors developing their own experimental method for NRC approval, is available but, due to the high cost and burden of this option, the NRC assumes that no vendors will develop their own experimental method.) The PQD analytical limits which are obtained via the approved experimental method will be submitted for NRC review in the form of a topical report. Also, the vendors would perform long-term cooling tests to determine the long-term cooling limit for each of the nine cladding alloys. Finally, during the first year after the rule becomes effective, the vendors will perform initial breakaway testing. The results of the initial breakaway tests will be submitted by the licensee via their license amendment request (LAR) which is necessary to demonstrate compliance with the proposed rule.

As part of this implementation plan, licensees will be divided among three implementation tracks based upon existing margin to the revised requirements and anticipated level of effort to demonstrate compliance. The purpose of the staged implementation approach is to bring licensees into compliance as quickly as possible, while accounting for: 1) more effort and longer schedules are necessary for plants which require new LOCA analyses with revised LOCA models; and 2) differences between realistic and Appendix K LOCA models.

Lastly, the tracks will begin to conduct periodic breakaway test one year after they are in full compliance. (Track 1 to being periodic breakaway testing in Year 3, Track 2 in Year 5 and Track 3 in Year 6.) The results of these tests will be included in the annual ECCS submittal.

Regulatory Guidance

There are three draft regulatory guides developed along with the proposed rule. These regulatory guides would be available for use as guidance immediately upon their issuance in final form; issuance in final form may pre-date the necessary date for compliance with the rule as specified in paragraph (o) of § 50.46c.

NRC Implementation Costs: PQD Tests: Operating Reactors

Year	Activity	Number of Cladding Alloys	Per Cladding Alloy		Cost per year		
			FTE Required	Yearly Rate	Undiscounted	3% NPV	7% NPV
2015	PQD Test - Accepted NRC Reg Guide	7	0	\$173,000	\$0	\$0	\$0
2015	PQD Test - Redone NRC Version	2	0.25	\$173,000	\$87,000	\$84,000	\$81,000
2015	PQD Test - Licensee Version	0	0.5 - 2.5	\$173,000	\$0	\$0	\$0
Total:					\$87,000	\$84,000	\$81,000

NRC Implementation Costs: LTC Test Reviews: Operating Reactors

Year	Activity	Number of Cladding Alloys	Per Cladding Alloy		Cost per year		
			FTE Required	Yearly Rate	Undiscounted	3% NPV	7% NPV
2015	LTC Test Reviews	9	0.15	\$173,000	\$234,000	\$227,000	\$219,000
Total:					\$234,000	\$227,000	\$219,000

Total NRC Operating Reactor Implementation Cost: | \$1,008,000 | \$907,000 | \$798,000

Table 11 – NRC Implementation Costs for Design Certifications

Certification

NRC Implementation Costs: License Amendment Reviews: Design Certification

Year	Activity	Number of Design Certifications	Per Design Certification		Undiscounted	3% NPV	7% NPV
			FTE Required	Yearly Rate			
2018	Track #2	2	0.27	\$173,000	\$92,000	\$81,741	\$70,186
Total:					\$92,000	\$82,000	\$70,000

Total NRC Design Certification Implementation Cost: | \$92,000 | \$82,000 | \$70,000

NOTATION VOTE

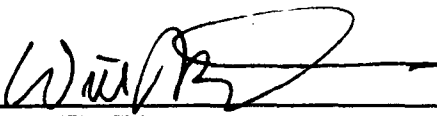
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MAGWOOD
SUBJECT: SECY-12-0034 – PROPOSED RULEMAKING – 10 CFR
50.46c: EMERGENCY CORE COOLING SYSTEM
PERFORMANCE DURING LOSS-OF-COOLANT
ACCIDENTS (RIN 3150-H42)

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached None ___



SIGNATURE

29 November 2012
DATE

Entered on "STARS" Yes No ___

**Commissioner Magwood's Comments on SECY-12-0034,
"Proposed Rulemaking – 10 CFR 50.46c: Emergency Core
Cooling System Performance During Loss-of-Coolant Accidents"**

I appreciate staff's hard work and thoughtful paper regarding the regulatory changes needed to assure fuel performance during loss-of-coolant accidents. This work represents the continuation of the agency's effort to make its regulations more performance-based and responds well to our evolving understanding of the complex phenomena that occur in very high temperature steam environments. I think it particularly important to highlight that this paper and the knowledge it represents are a direct result of the NRC-sponsored research that was initiated because staff was asking the right questions rather than merely reacting to circumstances. This work demonstrates the irreplaceable value of a robust NRC research program that looks over the horizon.

I believe that this proposed rule would both improve our regulatory approach and provide further assurance of the safety of U.S. commercial nuclear power plants under even very adverse conditions. Nevertheless, I approve this very good rule with considerable reluctance. As Commissioner Ostendorff highlights in his vote approving staff's recommendation, the remaining investigations into fuel fragmentation, relocation, and dispersal appear to have the potential to transform the currently proposed, very good rule into an ever-evolving amoeba that recalls the agency's GSI-191 experience. We should not let this happen if it can be avoided. I am, therefore, very sympathetic to my colleagues' suggestion that publication of a final rule be deferred until the necessary research is complete.

However, the current proposal represents very important near-term benefits and a decision to defer a final rule would create additional uncertainty. Moreover, based on follow-up information provided by staff, it is currently unclear when the research into fuel fragmentation and related effects will be complete or what impact this work will have on the requirements reflected in 10 CFR 50.46c.

I therefore suggest that a paper be prepared to provide the Commission with additional details of the anticipated research, staff's best judgment of the impact the results of that research could have on the proposed rule, and staff's best estimate of when final conclusions may be drawn from this work. In addition, this paper should clearly and specifically indicate which elements of the proposed rule might be deferred pending completion of fragmentation research and which elements, if any, could proceed to implementation without concern that they will be revised based on the anticipated research. Obviously, this paper should be completed in advance of a Commission decision on publication of the final rule and may be coincident with a staff request for publication.

Further, my approval is contingent upon the additional following comments.

- In keeping with the philosophy at the core of the proposed rule, I recommend that the prescriptive 2200⁰F peak cladding temperature limit for zirconium-based fuels be removed and replaced with a performance-based requirement.
- I agree with the ACRS that rather than the current draft rule's requirement that licensees be required to measure the breakaway oxidation properties of each batch of reload fuel and provide an annual evaluation report to NRC, it would be more effective to require licensees to assure that the breakaway oxidation resistance requirements met for the fuel in their reactors (via the fuel quality requirements in their supply agreements) and provide supporting documentation to the NRC.
- I suggest replacing the definition for "breakaway oxidation" in the "Research Results" subsection of the Background section of the FRN, which states that this phenomenon is that "in which weight gain rate deviates from normal kinetics." Breakaway oxidation is defined in a very different and far clearer manner elsewhere in the FRN. The definition in the "Research Results" section is effective only if our goal is to confuse as many people as possible.
- I support Commissioner Ostendorff's call for a provision allowing licensees to request a license amendment to use risk-informed alternatives on a case-by-case basis.
- Finally, I support the entirety of Commissioner Apostolakis' comments and edits.



William D. Magwood IV

11/29/12

Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: SECY-12-0034 – PROPOSED RULEMAKING – 10 CFR
50.46c: EMERGENCY CORE COOLING SYSTEM
PERFORMANCE DURING LOSS-OF-COOLANT
ACCIDENTS (RIN 3150-H42)

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___

W. Ostendorff
SIGNATURE

7/6/12
DATE

Entered on "STARS" Yes X No ___

**Commissioner Ostendorff's Vote Comments on
SECY-12-0034, Proposed Rulemaking – 10 CFR 50.46c: Emergency Core Cooling System
Performance During Loss-of-Coolant Accidents (RIN 3150-AH42)**

I approve the staff's recommendation in SECY-12-0034 to publish in the *Federal Register* the proposed § 50.46c rule for Performance-Based Emergency Core Cooling System (ECCS) Cladding Acceptance Criteria. I also agree with the thoughtful edits offered by my colleague Commissioner Apostolakis in his vote comments on SECY-12-0034. This proposed rule, if ultimately adopted by the Commission, would modernize a nearly 40-year-old ECCS rule while preserving its principal objective of maintaining fuel cladding integrity as a fundamental fission product barrier for post-accident radiological safety. In construction of the proposed rule, the staff applied the best available domestic and international research on high burnup fuel cladding performance during loss-of-coolant accidents (LOCAs). I find the staff's efforts are consistent with the Commission's Principle of Good Regulation on "Reliability" in that the NRC should use the best available knowledge from research and operational experience. As noted below, I believe that some additional direction to the staff is warranted.

Research findings suggest a need to enhance the NRC's regulations on cladding oxidation, although the staff has verified that core reload designs and realistic fuel burnup management practices have maintained sufficient safety margins. On this matter, I commend the staff's management approach to work collaboratively with the industry by using an audit/plant binning process to collect and analyze reactor core design and fuel burnup history. NRC staff devised a measured, expedient, and safety focused approach to verify that sufficient safety margins exist across the fleet of reactors. This is a noteworthy accomplishment. The staff should continue to periodically verify that operating plants are maintaining sufficient safety margins pending implementation of a final § 50.46c rule.

I have concerns, however, regarding the completeness of high burnup fuel research. The staff acknowledges that fuel fragmentation, relocation, and dispersal research is still ongoing and may require additional rulemaking. The staff notes in SECY-12-0034 that this ongoing research could prompt "... rule changes [that] may require licensees and fuel vendors to perform substantial reanalysis of their ECCS and/or fuel systems." If we have learned from our other experiences with § 50.46 (e.g., GSI-191), we should not prematurely implement changes for low risk issues only to subsequently require significant reanalysis and possible redesign after additional research and testing results finally become available. The staff should complete fuel fragmentation, relocation, and dispersal research and inform the Commission before requesting the Commission's approval of a final § 50.46c rule. If this action is not practicable or has unintended consequences, the staff should inform the Commission. Given the already established framework to verify safety margins for fuel performance, I am not persuaded that continuance of periodic verification of safety margins is burdensome in the interim.

Lastly, the proposed § 50.46c rule retains the current § 50.46 rule language regarding ECCS long-term core cooling following a LOCA. For ECCS sump clogging issues, the South Texas Project has undertaken a GSI-191 pilot program using probabilistic techniques to model debris generation and transport, which is incorporated in a plant-specific probabilistic risk assessment. I believe now is the time to propose that § 50.46c should contain a provision allowing NRC licensees to request a license amendment, on a case-by-case basis, to use alternative risk-informed approaches to establish plant licensing basis for long-term ECCS sump clogging issues. Stakeholder comments should be solicited on the proposed provision.