



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, DC 20555 - 0001**

February 14, 2017

The Honorable Kristine L. Svinicki
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**SUBJECT: RESPONSE TO THE DECEMBER 15, 2016 STAFF LETTER REGARDING
"DRAFT FINAL RULE ON MITIGATION OF BEYOND-DESIGN-BASIS EVENTS
AND ASSOCIATED REGULATORY GUIDANCE"**

Dear Chairman:

During the 640th meeting of the Advisory Committee on Reactor Safeguards, February 9-11, 2017, we reviewed the staff's December 15, 2016 letter regarding disposition of the conclusions and recommendations in our referenced letter of December 6, 2016.

We disagree with the staff's rationale regarding our Recommendation 1. We recommended that the equipment capability requirements in paragraph (c)(1) and the communications requirements in paragraph (c)(4) of 10 CFR 50.155 should apply for all of the strategies in paragraphs (b)(1) through (b)(3) of the rule, rather than only the strategies in paragraphs (b)(1) and (b)(2). The staff indicated that these capability and communications attributes are included in supporting guidance for implementation of the requirements in 10 CFR 50.54(hh)(2). Thus, in practice, all currently operating reactors should already meet these requirements. Our primary concern for these requirements is that 10 CFR 50.54(hh)(2) will be sunset, and all new reactor licensees will need to comply with paragraphs (b)(1) and (b)(3) of 10 CFR 50.155. To provide regulatory clarity and to ensure consistent integration of the mitigation strategies developed by future licensees, the requirements under paragraph (c)(1) and paragraph (c)(4) should apply to all strategies required by the rule.

The staff also disagreed with our Recommendation 2 regarding the seismic risk screening criteria that are recommended in Section H.4.5.3 of NEI 12-06, Revision 3, and endorsed by draft Regulatory Guide 1.226. The staff indicated that FLEX equipment capabilities with respect to the re-evaluated seismic hazard will be examined

in the risk assessments that are submitted in response to Near-Term Task Force Recommendation 2.1. To better understand how the site-specific evaluations are performed in practice and the staff's considerations during their reviews of those submittals, we would appreciate briefings on the staff's reviews of the seismic risk assessments for two or three sites at which the re-evaluated ground motion response exceeds the current safe shutdown earthquake by more than a factor of two in the 1 to 10 Hertz frequency range.

Sincerely,

/RA/

Dennis C. Bley
Chairman

REFERENCES

1. U.S. Nuclear Regulatory Commission, "Draft Final Rule on Mitigation of Beyond-Design-Basis Events and Associated Regulatory Guidance" December 15, 2016 (ML16343A146).
2. Advisory Committee on Reactor Safeguards, "Draft Final Rule 10 CFR 50.155, 'Mitigation of Beyond-Design-Basis Events' and Associated Regulatory Guidance," December 6, 2016 (ML16341B371).
3. Nuclear Energy Institute, NEI 12-06, "Diverse and Flexible Coping Strategies (FLEX) Implementation Guide," Revision 3, September 2016 (ML16267A274).
4. U.S. Nuclear Regulatory Commission, Regulatory Guide 1.226, "Flexible Mitigation Strategies for Beyond-Design-Basis Events," October 13, 2016 (ML16287A439).

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