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PROPOSED RULE PR 73
(65FR36649)

August 23, 2000

Ms. Annette Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

SUBJECT: REQUEST FOR COMMENTS ON PROPOSED RE-EVALUATION
OF PHYSICAL PROTECTION REGULATIONS, 65 FED. REG 36649
(JUNE 9, 2000)

RE: Nuclear Energy Institute (NEI) Letter, to Ms. Vietti-Cook,
Rulemaking and Adjudications Staff, NRC

Dear Ms. Vietti-Cook:

TXU Electric is responding to a request for comments on SECY-00-0063, *Re-evaluation of Power Reactor Physical Protection Regulations and Position on Definition of Radiological Sabotage* (65FR36649 - June 9, 2000) via the attached information. Further, TXU Electric endorses the Nuclear Energy Institute's (NEI) position paper associated with the subject matter as identified above.

Presently, TXU Electric does not believe that SECY-00-0063 should include a definition of radiological sabotage, and the use of "critical safety functions" does not support a performance-based, risk informed rule. TXU Electric continues to support the Commission's goal of developing a performance-based regulation for physical protection programs at nuclear power plants. In achieving this goal, usable objectives and performance criteria must be established.

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SECY-02

Attachment 1 provides information associated with TXU Electric's Comanche Peak Steam Electric Station's (CPSES) position associated the SECY-00-0063 proposals.

Should you have any questions, please contact Mr. Neil Harris at (254) 897-5449.
This communication contains no new licensing basis commitments regarding CPSES Units 1 and 2.

Sincerely,



C. L. Terry

NSH/nh

Attachment

c - E. W. Merschoff, Region IV
J. L. Tapia, Region IV
D. H. Jaffe, NRR
Resident Inspectors, CPSES

There are two major concerns with the proposals contained in SECY-00-0063. First, radiological sabotage does not need to be defined. Second, the use of "critical safety functions" as the rule's all-encompassing performance criteria does not lead to a performance-based, risk-informed rule. These proposals do not meet the Commission's direction in SRM-SECY-99-241 to use risk evaluation and provide for flexibility in program implementation.

An approach to meeting the overall performance objectives for physical protection of nuclear power plants incorporate several elements of a Security program:

- Access authorization program to assure the trustworthiness and reliability of personnel with unescorted access.
- A barrier system and material search program.
- A detection system to detect unauthorized attempts to enter the facility.
- An assessment capability to evaluate the threat potential.
- A contingency response capability to counter a threat. Target sets and contingency response performance criteria should be incorporated in this element.

In meeting these performance objectives, TXU Electric has assured an aggressive and noteworthy access authorization program as required by law for continual evaluation of personnel and for granting facility access as required. Significant resources (monetary and personnel) have been invested in development, upgrading and maintenance of barrier systems, material search programs, detection systems and threat assessment capabilities. Further, TXU Electric has expended significant resources to identify target sets, evaluate contingency response performance and add facility structures to contend with contingency response threats.

Many of the development activities and upgrades were implemented based upon the perception and continuing ruling by the NRC that the threat to a nuclear facility is based upon an external malevolent threat and as presently tested via the Operational Safeguards Response Evaluation (OSRE). The OSRE is to evaluate a licensee's ability to respond to the external design basis threat by focusing on (1) the interactions between a licensee's operations and security departments in establishing priorities for protecting equipment and (2) the protective strategies. It is presently unclear as to whether these significant resource expenditures were necessary to preclude a radiological release that exceeds 10 CFR Part 100 limits

Protection strategies have been based on specifically identified target sets - groupings of Systems, Structures and Components (SSCs). A target set is a group of SSCs that, if one component function were maintained, no core damage would result. The performance standard then would involve the protection of necessary functions in order to prevent significant core damage.

Hypothetically, the loss of one of the defined critical safety functions would not necessarily result in core damage or in the release of any radiation. The plant protection strategy based on target set analysis that considered this loss would still meet its objective—no core damage means no radiological risk to public health and safety. By current industry and regulatory experience, in order to achieve "significant core damage" *all* functions in a target set would have to be compromised in order to initiate an event that might result in a radiological release.

TXU Electric believes that contingency response programs should continue the focus on preventing significant core damage. Licensees should have flexibility in their approach to develop target sets and performance should be based on evaluation of the effectiveness of the contingency response in preventing significant core damage. Also, TXU Electric supports protection of the spent fuel pool (SFP) as an included target to be considered in the protection strategy.