

PR 50, 72 and 73
(71FR62663)

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DOCKETED
USNRC

March 27, 2007 (11:03am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

March 26, 2007

Docket Nos.: 50-321 50-348 50-424
50-366 50-364 50-425



NL-07-0681

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Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555-0001
Attn: Rulemakings and Adjudications Staff

Edwin I. Hatch Nuclear Plant
Joseph M. Farley Nuclear Plant
Vogtle Electric Generating Plant
Comments on Proposed Power Reactor Security Requirements
(71 FR 62664 dated October 26, 2006)

Ladies and Gentlemen:

Southern Nuclear Operating Company (SNC) appreciates the opportunity to comment concerning the above-referenced rulemaking. In that regard, SNC hereby supports and adopts the comments submitted by the Nuclear Energy Institute by letter dated March 26, 2007.

In addition, SNC would like to acknowledge the work done on this proposed rulemaking to incorporate the regulatory requirements issued in orders and security advisories since the events of 9/11. SNC has embedded those requirements into a fleet security plan and various plant procedures. It has taken approximately two years just for these requirements to become stable and to be refined as the processes and procedures are implemented on a daily basis. If the proposed rule had been constructed as was intended (i.e., to just incorporate the orders and the EPAC requirements) there would be very little impact on the SNC fleet. As the rule is currently drafted, it will introduce many new requirements that will require SNC to perform engineering designs, procurement of equipment, installation of modifications, revision of the fleet security plan, revision of numerous procedures, submittal of the security plan to the NRC for approval, and a considerable amount of management and security department attention to address the new requirements. The diversion of management and security attention to go through another cycle of major security changes is counter to stability of security and will in effect decrease security while limited resources are focused on addressing compliance with the many new requirements that are being imposed. The Commission should consider withdrawal of the proposed rule until it is significantly rewritten to codify the orders and advisories and remove changes to the regulations that will cycle the industry through another round of security plan changes and the associated changes to procedures and processes.

Template = SECY-067

SECY-02

As was evidenced during the March 9, 2007 public meeting in which SNC was a participant, rule language being proposed is often ambiguous and a literal reading suggests new requirements which were not intended with a significant impact on the operating plants. The upfront material of the proposed rulemaking highlights 12 changes; however based on our review, there are an additional 30 changes or more. In the March 9 public meeting, the NRC staff explained that in many cases it is not the intent of the rule language to impose new requirements. However, in the first public meeting on November 15, 2006, the NRC staff said the rule must stand on its own (see transcript from November 15, 2005 public meeting pages 50 and 51) which leaves SNC no option but to take a literal interpretation of the proposed rule language. Therefore, the rule language must be revised to minimize misinterpretations and not create new requirements that must be addressed. Failure to do so would introduce considerable confusion and instability into implementing important security requirements and the compliance inspection process and tie up licensee and regional resources in avoidable controversy regarding the intent of the rule (vice how it can be read). To prematurely publish a rulemaking flawed in such a way would be contrary to the Commission's principles of good regulation.

For the proposed 10 CFR Part 73.56, it would have been very efficient to codify the requirements within the order issued to strengthen access. That would not have caused any change to the security plan, the endorsed NRC guidance for implementing the order requirements, and SNC's access authorization program and implementing procedures. But instead, the proposed rule has added several new requirements with considerable implementation cost, major changes to our access program, without a commensurate increase in security. The NRC has concluded repeatedly that the current requirements being implemented by nuclear power plants provide high assurance of trustworthy and reliable individuals. Therefore, SNC does not see the need for these new requirements and they should be removed from the proposed rule.

The proposed 10 CFR Part 73.58 has added several programmatic requirements for security that are currently managed through other departmental programs. Physical modifications are managed through a configuration control program. Operator actions and maintenance activities that take plant equipment out of service are managed through risk assessment programs and procedures and technical specifications. System reconfigurations are managed through operations procedures and work management processes. To impose the assessment and management of physical modifications, system reconfiguration, maintenance activities, emergent activities, and other departmental responsibilities onto security would significantly impact and detract from security's primary mission of securing and protecting the plant. This proposed rule needs to be revised to take credit for existing management programs that are in place and only impose changes related to the security plan and implementing procedures in a security regulation.

The details in Appendix C go well beyond the overarching requirements in 10 CFR Part 73.55 pertaining to security duties and are fundamentally flawed. This is especially true with respect to preventing core damage. SNC believes that tying prevention of core damage to security performance confuses the true security objective of defending target set elements, the loss of which may result in core damage. This construction is an illogical extension of security responsibility and creates numerous interface issues with operations, emergency planning and other plant procedures and processes. Appendix C, as proposed, too broadly attempts to make the safeguards contingency plan encompass the entire plant response to all postulated events, including those beyond the DBT. The

integrated response plan required by this proposed rule has been expanded to integrate operations, Emergency Planning and other unrelated procedures. If this level of detail is required to be included in a license document, it will create a significant administrative burden to revise the Contingency Plan, submit it to the NRC for approval and revise procedures to get the details into the plan. Each time those details are refined or changed, SNC will have to go through a very regimented and structured process to make the change no matter how small and then report that change to the NRC under 50.54(p) or submit a 50.90 for review and approval. The Contingency Plan would expand by 300% to 400% in content from the current plan.

The proposed rule language, as written, will have a significant impact on SNC and the industry and inject instability in security of our facilities. Each licensee currently has a recently NRC approved Security Plan that incorporates all Post 9/11 orders and regulatory requirements. Licensees have also demonstrated through NRC EFOF tactical exercises the ability to effectively defend against the new Design Based Threat of radiological sabotage. SNC encourages the Commission to permit the industry to work with the Staff following the close of the public comment period to resolve all the comments and be sure the corresponding safeguards regulatory guidance has clarity, solid security basis, and a single message.

This letter contains no NRC commitments. If you have any questions, please advise.

Sincerely,



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LMS/TWS/daj

cc: Southern Nuclear Operating Company
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RType: CFA04.054; CHA02.004; CVC7000; LC# 14562

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