

PR 52
(72FR56287)

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

December 17, 2007

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

ATTN: Rulemakings and Adjudications Staff

Re: Comments on Proposed Rule for "Consideration of Aircraft Impacts for New Nuclear Power Reactor Designs," 72 Fed. Reg. 56,287 (Oct. 3, 2007) – RIN 3150-AI19

On behalf of Entergy Nuclear, Exelon Generation, GE Hitachi Nuclear Energy, Luminant (formerly TXU Power), NuStart Energy Development, Pebble Bed Modular Reactor (Pty) Ltd., and Southern Nuclear Operating Company, Morgan, Lewis & Bockius LLP respectfully submits the following comments regarding the NRC's Proposed Rule for "Consideration of Aircraft Impacts for New Nuclear Power Reactor Designs" (Proposed Rule), which was published for comment in the *Federal Register* (72 Fed. Reg. 56,287) on October 3, 2007.

We commend the Commission's conclusion that an aircraft impact is a beyond-design-basis event, its decision to exclude aircraft impacts from the final design basis threat rule, and the decision not to apply the new rule to existing nuclear power plants. Additionally, we commend the NRC Commissioners and staff for their efforts in formulating the Proposed Rule with the intention of assuring appropriate protection for new nuclear plants, while also ensuring that aircraft impacts are appropriately treated as beyond-design-basis events. We agree that the Proposed Rule is not necessary for "adequate protection," but is based on enhancing the "inherent robustness" of nuclear plants.

However, we believe that clarifications of the Proposed Rule are necessary to provide regulations that appropriately assess aircraft impacts as a beyond-design-basis event, correctly balance the costs of these efforts with potential benefits, and are workable for both the NRC and new reactor applicants. In particular, the new rule should not include any acceptance criterion, such as the 10 CFR Part 100 radiological criteria, that are only appropriate for design basis events. Instead, we urge the Commission to modify the Proposed Rule in a manner that would allow an applicant to satisfy the regulations by demonstrating that either containment integrity or fuel cooling (as well as spent fuel pool integrity or spent fuel cooling) is maintained. Additionally, we request the Commission to provide further clarification and guidance on how an

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The Secretary of the Commission
U.S. Nuclear Regulatory Commission
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applicant can fulfill the "to the extent practicable" standard. Finally, we recommend that the Commission clarify that an applicant need not evaluate alternative design features, functional capabilities, or strategies if its impact assessment demonstrates that the design provides sufficient protection against aircraft impacts.

Our comments on the Proposed Rule are provided in the Enclosure. These comments include our responses to some of the specific requests for comment identified in the Statements of Consideration for the Proposed Rule. *Id.* at 56,298-300. Additionally, we provide further comments that are outside the scope of these specific requests, which we believe will provide additional clarity to the rule.

We urge the Commission to adopt our comments on the Proposed Rule for consideration of aircraft impacts.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven P. Frantz". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Steven P. Frantz
Stephen J. Burdick

Enclosure

COMMENTS ON THE PROPOSED RULE

Our comments on the Proposed Rule for consideration of aircraft impacts are organized into two parts. First, we recommend changes in the language of the Proposed Rule in order to clarify some provisions that are vague or could be subject to misinterpretation. Second, we respond to some of the requests for comments in the Proposed Rule.

A. CERTAIN PROVISIONS IN THE PROPOSED RULE SHOULD BE CLARIFIED

1. The Proposed Rule should be clarified to indicate that a plant design is acceptable if either containment integrity or core cooling capability is maintained.

If read literally, proposed 10 CFR § 52.500(c) would require an applicant to evaluate the capability of the plant to protect both containment integrity and core cooling against the effects of aircraft impacts. We recommend that the Proposed Rule be revised to clarify that an applicant need only provide protection for containment integrity or core cooling.

In this regard, if core cooling is maintained, there will be no significant releases to the public, even if containment integrity is breached. As long as the core is adequately cooled, the source term will be low and will not present a threat to the public health and safety.

Similarly, if containment integrity is maintained, there will be no significant releases to the public, even if core cooling is lost. As provided in the footnotes to 10 CFR § 52.47(a)(2)(iv) and § 52.79(a)(1)(vi), the containment must be able to perform its function assuming a major accident, such as a core melt. Such an accident, by its nature, assumes loss of core cooling. Therefore, if containment integrity is maintained following an aircraft impact, sufficient protection is provided to the public during such a beyond-design-basis accident.

Our recommendation appears to be consistent with the intent (though not the literal language) of the Proposed Rule. For example, in Chairman Klein's comments on SECY-06-0204, which are incorporated into the Commission's Staff Requirements Memorandum dated April 24, 2007, the Chairman stated that "new reactor designs [should] incorporate design features to prevent a simultaneous loss of containment integrity and core cooling as a result of an aircraft impact." (Emphasis added). Similarly, the Statements of Consideration (SOC) for the Proposed Rule, 72 Fed. Reg. at 56,293, indicate that plant structures (including, presumably, the containment) may be breached by aircraft parts and jet fuel, provided that key safety functions can still be accomplished.

Similarly, it is unnecessary for an applicant to demonstrate that both spent fuel pool integrity and spent fuel cooling are maintained following the beyond-design-basis aircraft impact. If spent fuel cooling is maintained, even though spent fuel pool integrity is not, the spent fuel will be protected, and the effects of the aircraft impact will be minimized.

Accordingly, we recommend that proposed 10 CFR § 52.500(c) be revised to be consistent with the apparent intent of the Proposed Rule. We suggest the following changes in the language of this section:

(c) Based upon the insights gained from the aircraft impact assessment as stated in paragraph (b) of this section, the application must include a description and evaluation of the design features, functional capabilities, and strategies to avoid or mitigate the effects of the applicable, beyond-design-basis aircraft impact. The evaluation of such design features, functional capabilities, and strategies must include (1) core cooling capability, or containment integrity, or both, and (2) spent fuel pool integrity or spent fuel cooling, or both. The application must describe how such design features, functional capabilities, and strategies avoid or mitigate, to the extent practicable, the effects of the applicable aircraft impact with reduced reliance on operator actions.

2. The Proposed Rule should be clarified to indicate that an applicant need not evaluate the practicability of new or additional design features if the existing features are sufficient.

The language in proposed 10 CFR § 52.500 could be interpreted to require an applicant for a design certification or combined license (COL) to evaluate any and all design features, functional capabilities, and strategies that are practicable to avoid or mitigate aircraft impacts. In this regard, during the public meeting on the Proposed Rule on November 15, 2007, the NRC staff's presentation (Slide 24) states that the evaluation of practicability should be similar to an evaluation of severe accident mitigation design alternatives (SAMDA), which requires an applicant to evaluate a range of alternative design features even though the existing design may be sufficient from a safety perspective.

In response to questions from the public during the meeting on November 15, 2007, the NRC staff clarified that a SAMDA-type evaluation would not be required by the Proposed Rule, if the plant design has sufficient features, capabilities or strategies to mitigate the effects of aircraft impacts. We agree with the staff's oral statements at the public meeting, and recommend that the Proposed Rule be revised to clarify that an applicant need not evaluate or adopt practicable design alternatives for mitigating the effects of aircraft impacts, if the impact assessment performed in accordance with proposed 10 CFR § 52.500(b) demonstrates that the plant provides sufficient protection against aircraft impacts.

For example, if an applicant performs the assessment in proposed 10 CFR § 52.500(b) and determines that reactor containment is intact and spent fuel cooling is maintained following an aircraft impact, then the applicant should not have to perform the evaluation required by proposed 10 CFR § 52.500(c). Instead, the applicant could simply state this conclusion with no further evaluation. To accomplish the above change, we recommend that the following provision be added as 10 CFR § 52.500(d):

(d) If the assessment required by paragraph (b) demonstrates that (1) reactor containment or reactor core cooling is maintained and (2) spent fuel pool integrity or spent fuel cooling is maintained, then the applicant is not required to evaluate

the practicability of additional or different design features, functional capabilities, and strategies required by paragraph (c). Instead, the applicant need only state this conclusion and indicate that no further evaluation is required.

If the proposed 10 CFR § 52.500(b) assessment does not conclude that the design will provide the protection against an aircraft impact discussed above, then the applicant would need to demonstrate in accordance with proposed 10 CFR § 52.500(c) that its proposed design features, functional capabilities, and strategies mitigate the effects of aircraft impacts “to the extent practicable.”

3. The final rule should clarify that costs may be considered in determining what is “practicable.”

The final rule for consideration of aircraft impacts and the corresponding guidance should clarify that cost may be considered by an applicant when determining whether any design changes should be made. This is appropriate for a beyond-design-basis event such as an aircraft impact, and is consistent with the remarks made by the NRC staff in a public meeting on the Proposed Rule on November 15, 2007. See Slide 24 of the NRC’s presentation. This position is also consistent with Commissioner Merrifield’s following comments: “I suggest that, for our purposes, the definition of practicable should include those design features that are realistically and reasonably feasible from a technical engineering perspective but they should also be reasonable from a cost effectiveness standpoint.” Commission Voting Record for SECY-06-0204, Commissioner Merrifield Comments, at 1 (Apr. 24, 2007) (emphasis added).

Such a change in the Proposed Rule allowing consideration of costs would be appropriate because a change that is technically “realistically and reasonably feasible” could be entirely cost prohibitive. It would be inappropriate to require changes that are not “reasonable from a cost effectiveness standpoint” to address a beyond-design-basis event. This is also consistent with the Commission’s Policy Statement on severe accidents, which states that “[t]he inherent flexibility of this Policy Statement . . . encourages thereby innovative ways of achieving an improved overall systems reliability at a reasonable cost.” Policy Statement on Severe Reactor Accidents Regarding Future Designs and Existing Plants, 50 Fed. Reg. 32,138, 32,141 (Aug. 8, 1985) (emphasis added). The SOC or guidance should provide a definition of what is a “reasonable cost;” e.g., the improvement in safety exceeds the cost of the design change.

4. The language of the Proposed Rule should be revised to clarify that an applicant is not required to avoid an aircraft impact.

As written, the Proposed Rule could be misinterpreted to require an applicant to describe and evaluate how an aircraft impact would be avoided altogether. Proposed 10 CFR § 52.500(c) states in part the following: “Based upon the insights gained from the aircraft impact assessment as stated in paragraph (b) of this section, the application must include a description and evaluation of the design features, functional capabilities, and strategies to avoid or mitigate the effects of the applicable, beyond-design-basis aircraft impact.” 72 Fed. Reg. at 56,308 (emphasis added). The use of the word “avoid” in this context could be misinterpreted to mean that an applicant would be required to discuss and evaluate features to prevent such an aircraft impact.

This conclusion is inconsistent with the purpose of the Proposed Rule and conflicts with 10 CFR § 50.13, which states that an applicant is not required to provide for attacks and destructive acts by enemies of the United States. In this regard, it is the responsibility of the Federal government, not private applicants, to prevent aircraft from striking a nuclear power plant. To prevent any confusion, the phrase "avoid or" should be deleted from proposed 10 CFR § 52.500(c). The phrase "mitigate the effects" is broad enough to encompass the purpose of the Proposed Rule. Additionally, this change should also be made to proposed 10 CFR § 52.502(c) for the same reasons.

5. The Proposed Rule should be revised to clarify that simplified assessment impact techniques may be used by licensees to evaluate design changes.

Proposed 10 CFR § 52.502(c) states that, if a licensee changes its design, the licensee must "re-perform that portion of the evaluation" of aircraft impacts addressing the design change. It may not be necessary to re-perform the entire evaluation. Instead, it may be possible to show that the design change is bounded by the original design, or that the change provides an equivalent level of protection as the original design, without re-performing the original evaluation. Additionally, the rule language should account for COL applicants that reference a design certification that is subject to 10 CFR § 52.500. Therefore, we recommend that proposed 10 CFR § 52.502(c) be revised to state as follows:

(c) For combined licenses which are subject to 10 CFR 52.500, if the applicant or licensee changes the information required by 10 CFR 52.47(a)(28) or 10 CFR 52.79(a)(47) to be included in the final safety analysis report, then the licensee shall ~~re-perform that portion of the evaluation required by 10 CFR 52.500(e) addressing the changed feature, capability, or strategy, and describe, in the re-evaluation,~~ evaluate how the modified design features, functional capabilities, and strategies affect the ability of the plant to avoid or mitigate, to the extent practicable, the effects of the applicable aircraft impact with reduced reliance on operator actions.

6. The Proposed Rule should be revised to clarify that the impact assessment may use realistic assumptions regarding the performance of the plant.

Proposed 10 CFR § 52.500 requires an evaluation of the ability of the plant to avoid or mitigate the effects of aircraft impacts. Consistent with the nature of the rule and evaluation of beyond-design-basis accidents in general, the rule should explicitly state that the evaluation may be performed using realistic assumptions regarding the performance of plant design features, functional capabilities, and strategies, rather than conservative assumptions that are typically used in evaluations of design basis accidents. The SOC allows for the use of realistic assumptions. *See id.* at 56,292. However, the rule language itself does not reflect this concept. Given the importance of this issue, we recommend that proposed 10 CFR § 52.500(b) be revised to incorporate this concept. We recommend the following language:

(b) Each applicant for a standard design certification not referencing a standard design approval; a standard design approval; a combined license not referencing a

standard design certification, standard design approval, manufacture reactor; or a manufacturing license not referencing a standard design certification or standard design approval shall perform a design-specific assessment of the effects on the designed facility of the impact of a large, commercial aircraft. Such assessment must be based on the Commission's specified aircraft characteristics used to define the beyond-design-basis impact of a large, commercial aircraft used for long distance flights in the United States, with aviation fuel loading typically used in such flights, and an impact speed and angle of impact considering the ability of both experienced and inexperienced pilots to control large, commercial aircraft at the low altitude representative of a nuclear power plant's low profile. Such assessment may use realistic methods and assumptions regarding the performance of plant design features, functional capabilities, and strategies.

7. The final rule and corresponding guidance should clarify how the rule applies to non-Light Water Reactor (LWR) designs.

Although the Proposed Rule does not specifically address non-LWR designs, the language used in the Proposed Rule does not account for some non-LWR designs. More specifically, proposed 10 CFR § 52.500(c) requires that the evaluation address "containment integrity" and "spent fuel pool integrity." Future reactor designs may not include a "containment" or "spent fuel pool" as those phrases are understood today. For example, future designs may use a "reactor building" instead of the traditional "containment," or may store spent fuel in "storage tanks" instead of in "spent fuel pools."

Therefore, the language of the Proposed Rule should be modified to clarify that non-LWR designs must only address these requirements to the extent that they are applicable to the design. Furthermore, the guidance for this rule should provide further clarification of the distinction between LWRs and non-LWRs for purposes of compliance with this rule.

B. RESPONSES TO NRC REQUESTS FOR COMMENTS

Request for Comments No. 1 – Should the Impact Assessment be included in the application?

The NRC should not require an applicant to include the aircraft impact assessment required by proposed 10 CFR § 52.500(b) in its application. First, requiring an applicant to include the entire aircraft impact assessment is unnecessary for the NRC to make a licensing decision on this issue. Proposed 10 CFR § 52.500(c) already requires an applicant to provide "a description and evaluation of the design features, functional capabilities, and strategies to avoid or mitigate the effects of the applicable, beyond-design-basis aircraft impact." *Id.* at 56,308. Such a description should be sufficient for the NRC to evaluate the assessment of the aircraft impact, even if the description is only a conclusion that no further evaluation is necessary (see Comment A.2 above). If the NRC needs additional information, it may request such information be added to the evaluation or the NRC may audit the assessment consistent with its review process currently used to audit similar engineering calculations/analyses for other portions of the FSAR.

Additionally, requiring inclusion of the entire aircraft impact assessment in an application would be overly burdensome because the detailed assessment will be voluminous, and given the strict controls over the Commission's specified aircraft characteristics, much or all of the assessment would likely be designated as Safeguards Information. The costs to the applicant and the NRC of transmitting and maintaining this information would be very high. Since the assessment would be designated as Safeguards Information, it could not be publicly disclosed, and maintaining such large volumes of protected information would entail substantial burden and cost without any added value to the NRC or public, as well as place the information at greater risk for inadvertent release to the public.

Finally, maintaining the detailed assessment at the applicant's facilities and submitting only the description and evaluation as required by proposed 10 CFR § 52.500(c) is consistent with the NRC's requirements for similar assessments. For example, the NRC does not require an applicant to submit an entire Probabilistic Risk Assessment (PRA); instead, the NRC only requires that a summary report be submitted. In the SOC for the new Part 52 rule, the Commission rejected arguments that the complete PRA should be provided by stating that the information in the summary description of the PRA would be sufficient for the NRC to review a design certification from a PRA perspective. Licenses, Certifications, and Approvals for Nuclear Power Plants, 72 Fed. Reg. 49,352, 49,380 (Aug. 28, 2007). Additionally, in the SOC for the new Part 52 rule, the NRC stated that it "believes that the PRA and SAMDA evaluations do not need to be included in Tier 2 because they are not part of the design basis information." *Id.* at 49,365. Similar to the PRA and the SAMDA evaluation, the assessment required by the Proposed Rule is not part of the design basis information, and should not be provided in an application.

Request for Comments No. 2 – Should the NRC add acceptance criteria to the Proposed Rule that would reference the dose limits in Part 100?

The Final Rule for aircraft impacts should not include additional acceptance criterion that would require an applicant to describe how the design features, functional capabilities, and strategies "will provide reasonable assurance that any release of radioactive materials to the environment will not produce public exposures exceeding 10 CFR part 100 guidelines." 72 Fed. Reg. at 56,299. Such a criterion is similar to an earlier rejected proposal by Commissioner Jaczko, which, among other things, would have required applicants to demonstrate "reasonable assurance that any release of radioactive substances to the environment will not produce exposures exceeding 10 CFR Part 100 guidelines." Proposal to Include Aircraft Impact Design Requirements for New Reactors, COMGBJ-07-0001 (Feb. 20, 2007). We agree with Commissioner McGaffigan's conclusion on this proposal that the acceptance criteria "essentially constitute design bases criteria." Commission Voting Record for SECY-06-0204, Commissioner McGaffigan Comments, at 2.

Such a design basis criterion would be inappropriate for the beyond-design-basis aircraft impact. In light of the Commission's sound determination to address this issue as a beyond-design-basis matter, it would be internally inconsistent to apply the dose criterion in Part 100, which applies to design basis accidents.

Nonetheless, the current acceptance criteria in the Proposed Rule, as written, may make it difficult for applicants to fully understand what must be done to fulfill the NRC's requirements with respect to aircraft impacts. For example, proposed 10 CFR § 52.500(c) states that "[t]he application must describe how such design features, functional capabilities, and strategies avoid or mitigate, to the extent practicable, the effects of the applicable aircraft impact with reduced reliance on operator actions." 72 Fed. Reg. at 56,308. The requirement of "to the extent practicable" is, by itself, very subjective.

The Proposed Rule SOC states that "[t]he NRC intends this standard to include those design features, functional capabilities, and strategies that are realistically and reasonably feasible from a technical engineering perspective." *Id.* 56,293. Although this may be slightly more precise than "to the extent practicable," it still uses a subjective "realistically and reasonably feasible" standard that is open to much interpretation. The SOC further state the following regarding this standard: "the NRC believes it may be practicable to employ new technologies currently in use in the commercial nuclear power industry or in another industry." *Id.* Statements such as this are useful, but should be expanded upon either in the SOC for the final rule for consideration of aircraft impacts or in the corresponding NRC guidance. In sum, additional clarification and guidance on the "to the extent practicable" standard are needed.

Request for Comments No. 3 – Should the NRC adopt a specific provision mandating retention of the assessment?

We believe the proposed reliance on general record retention requirements in 10 CFR § 50.71(c) for retention of the assessment records is sufficient.

Request for Comments No. 4 – Should the NRC treat voluntary requests to amend existing design certifications to address aircraft impacts the same as it treats new applications for design certification?

As noted in the SOC for the Proposed Rule, "[t]he Commission has concluded that the proposed rule need not be applied to the four currently approved standard design certifications in Appendices A through D to 10 CFR part 52." *Id.* at 56,290. For example, Chairman Klein stated that "[r]eactor designs that are already certified under Part 52 (e.g. AP1000 and ABWR) do not need to be re-certified in accordance with the new 52.xx rule." Commission Voting Record for SECY-06-0204, Chairman Klein Comments, at 2. Nonetheless, we agree with the comments from the Nuclear Energy Institute on the Proposed Rule that state that if the holder of an existing design certification does not voluntarily comply with the rule, then COL applicants that reference that design certification will still be required to comply with the proposed § 73.55 amendment, and these applicants would not receive the benefits of any design changes in response to this Proposed Rule on aircraft impacts.

As encouraged by the Proposed Rule, reactor vendors with existing design certifications may voluntarily request the NRC to amend the existing design certifications in order to address aircraft impacts. The NRC should use the same criteria for evaluating such requests for

amendments to existing design certifications as it uses for evaluating new applications for design certifications.

Additionally, COL applicants that reference the amendment to a design certification that voluntarily complies with the aircraft impact rule should be treated the same as a COL applicant that references a new design certification that is required to comply with the aircraft impact rule. For example, the SOC for the Proposed Rule states the following:

[T]he NRC expects that, compared to a licensee for a facility that was not designed to meet the requirements of the proposed rule, licensees for facilities that are designed to comply with the proposed rule would have much less of a need to develop specific procedures, guidance, or other strategies to cope with the loss of large areas of the plant due to explosions or fires in order to comply with the requirements in the proposed 10 CFR 73.55 and Appendix C to 10 CFR part 73.

72 Fed. Reg. at 56,289. Therefore, if a COL applicant references an amendment to an existing design certification that voluntarily complies with the aircraft impact rule, then that COL applicant should obtain these same benefits.

Request for Comments No. 6 – Should the new requirements be placed in 10 CFR Part 50 or Part 52?

Although the provisions in the Proposed Rule could arguably be included in either Part 50 or Part 52, we believe inclusion of the Proposed Rule in Part 52 is more appropriate and consistent with the current treatment of beyond-design-basis accidents in NRC regulations. Other NRC requirements for severe accidents are included in Part 52. For example, 10 CFR § 52.47 sets forth the technical information requirements of a design certification application. Section 52.47(a)(23) requires “a description and analysis of design features for the prevention and mitigation of severe accidents, e.g., challenges to containment integrity caused by core-concrete interaction, steam explosion, high-pressure core melt ejection, hydrogen combustion, and containment bypass.” The requirements for assessment and description of the beyond-design-basis aircraft impact would appropriately fit into Part 52 with this other similar information.

However, if the NRC determines that it will impose the requirements of the Proposed Rule on future Part 50 construction permit applicants, then the requirements should be included in Part 50, to maintain the general principle established in the recent comprehensive Part 52 rulemaking.

Request for Comments No. 7 – Should the rule apply to design approvals and manufacturing licenses?

The NRC requested comments on whether the rule should apply to future design approvals or manufacturing licenses in light of the absence of any near-term interest in these licensing actions. It is difficult to predict what type of designs may be proposed in the future, particularly for manufacturing licenses, which may involve very small reactors. Therefore, it

appears prudent to defer application of the rule to those licensing actions without further consideration of provisions that would allow exemption of certain types of designs. It would be possible for the NRC to amend the rule in the future as necessary either to apply the requirements or to include exceptions to the requirements.

Request for Comments No. 8 – Should the scope of the Impact Assessment for a COL applicant be larger than for a design certification applicant?

The scope of the aircraft impact assessment for COL applicants who do not reference a design certification should be the same scope as the impact assessment required for a new design certification. Therefore, we agree with the second approach contemplated in the SOC for the Proposed Rule, which states that “the NRC is considering limiting the scope of the evaluation for combined license applicants not referencing a design certification, design approval, or manufactured reactor to that portion of the design that would otherwise be covered in a design certification, design approval, or manufacturing license application.” *Id.* at 56,300. As stated in the SOC for the Proposed Rule, this scope would include evaluation of the “majority of the facility considered most vulnerable to an aircraft impact.” *Id.* Additionally, this scope would prevent any inconsistency in the aircraft impact evaluations between a COL applicant who does and does not reference a design certification.

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Date: Mon, Dec 17, 2007 2:28 PM
Subject: RIN 3150-A119 - Comments on Proposed Rule for Consideration of Aircraft Impacts for New Nuclear Power Reactor Designs

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December 18, 2007

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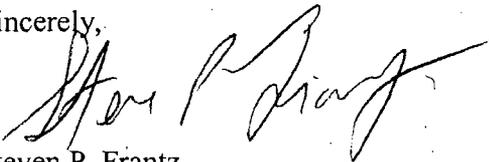
ATTN: Rulemakings and Adjudications Staff

Re: Errata to Comments on Proposed Rule for "Consideration of Aircraft Impacts for New Nuclear Power Reactor Designs," 72 Fed. Reg. 56,287 (Oct. 3, 2007) – RIN 3150-AI19

On December 17, 2007, we submitted comments on the proposed rule identified above. We would like to correct one statement in our comments. On page 7 of the Enclosure to our comments, the last sentence of the first paragraph of our Response to Request for Comments No. 4 should be modified to state as follows:

Nonetheless, we agree with the comments from the Nuclear Energy Institute on the Proposed Rule that state that if the holder of an existing design certification does not voluntarily comply with the rule, then COL applicants that reference that design certification should be required to perform an assessment of aircraft impacts.

Sincerely,



Steven P. Frantz
Stephen J. Burdick

From: <sfrantz@morganlewis.com>
To: <SECY@nrc.gov>
Date: Tue, Dec 18, 2007 8:59 AM
Subject: Errata to Morgan Lewis Comments on Proposed Rule on Aircraft Impacts - RIN 3150-AI19

Attached is an errata to the comments that we filed yesterday.

Steven P. Frantz
Morgan Lewis & Bockius LLP

(See attached file: MLB errata to comments.pdf)

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