

Secy

From: REED, Joseph [jsr@nei.org] on behalf of HEYMER, Adrian [aph@nei.org]
Sent: Tuesday, July 08, 2008 3:05 PM
Subject: NRC Draft Statement of Policy on Regulation of Advanced Nuclear Power Plants; NRC Docket ID NRC-2008-0237; 73 FR 26,349 (May 9, 2008)
Attachments: 07-08-08_NRC_NRC Draft Statement of Policy on Regulation of Advanced Nuclear Power Plants; NRC Docket ID NRC-2008-0237; 73 FR 26,349 (May 9, 2008) .pdf

July 8, 2008

Ms. Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Mail Stop 0-16C1
Washington, DC 20555-0001

DOCKETED
USNRC

July 9, 2008 (9:35am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attn: Rulemaking and Adjudications Staff

Subject: NRC Draft Statement of Policy on Regulation of Advanced Nuclear Power Plants; NRC Docket ID NRC-2008-0237; 73 FR 26,349 (May 9, 2008)

Project Number: 689

Dear Ms. Vietti-Cook:

The Nuclear Energy Institute (NEI) is pleased to submit comments on the subject NRC Draft Statement of Policy on Regulation of Advanced Nuclear Power Plants. We support the Commission's intent to update its policy on advanced reactors, which was originally issued in 1986. We agree that the Commission's expectations for safety and security requirements in the design process should be incorporated, including consideration of new security issues in the wake of the September 11, 2001 terrorist attacks.

These comments are aimed at assuring the clarity of Commission policy and a consistent, balanced approach to identifying design attributes for both safety and security:

1. The existing policy identifies design attributes that should be considered to assist in establishing the acceptability and licensability of advanced reactor designs. These attributes are expressed as statements of design philosophy appropriate for such a policy statement. The proposed policy statement identifies three additional attributes:
 - Designs that include considerations for safety and security requirements together in the design process such that security issues (e.g., newly identified threats of terrorist attacks) can be effectively resolved through facility design and engineered security features, and formulation of mitigation measures, with reduced reliance on human actions.
 - Designs with features to prevent a simultaneous loss of containment integrity (including situations where the containment is bypassed), and the ability to maintain core cooling as a result of an

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aircraft impact, or identification of system designs that would provide inherent delay in radiological releases (if prevention of release is not possible).

- Designs with features to prevent loss of spent fuel pool integrity as a result of an aircraft impact.

Only the first bullet is a statement of design philosophy analogous to the attributes in the existing policy statement. It is sufficient by itself to express the Commission's expectations for integrated consideration in the design process of safety and security issues, including newly identified security threats. The other two proposed attributes are not statements of design philosophy. They mimic existing NRC regulations associated with a specific security issue: aircraft impact. It is unnecessary for Commission policy statements to repeat NRC regulations. Policy statements should focus on policy. We recommend the second and third attributes listed above be deleted.

2. The first paragraph of the Commission Policy states: "...the Commission expects, as a minimum, at least the same degree of protection of the environment and public health and safety and the common defense and security, that is required for current generation light-water reactors. Furthermore, the Commission expects that advanced reactors will provide enhanced margins of safety and/or use simplified, inherent, passive, or other innovative means to accomplish their safety and security functions." The reference to current generation light-water reactors was clearly understood when the Advanced Reactor Policy Statement was first issued in 1986. However, because existing plants will soon operate alongside next generation plants currently in the licensing process, the term "current generation" could be misinterpreted. We recommend the Policy Statement be modified as follows:

"...the Commission expects, as a minimum, at least the same degree of protection of the environment and public health and safety and the common defense and security, that is required for plants licensed before 1997~~current generation light water reactors.~~"

3. The second paragraph describes the pending rulemaking on Consideration of Aircraft Impacts for New Nuclear Plant Designs (Rulemaking docket NRC-2007-0009). Discussion on pending NRC activities is more akin to background information than a lasting statement of Commission policy. We recommend deleting this paragraph or relocating it to the Background section.

If there are questions regarding these comments, please contact me or Russ Bell (202-739-8087; rjb@nei.org).

Sincerely,

Adrian P. Heymer
Senior Director, New Plant Deployment
Nuclear Generation Division

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NUCLEAR ENERGY INSTITUTE

Adrian P. Heymer
SENIOR DIRECTOR
NEW PLANT DEPLOYMENT
NUCLEAR GENERATION DIVISION

July 8, 2008

Ms. Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
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¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and individuals involved in the nuclear energy industry.

- Designs that include considerations for safety and security requirements together in the design process such that security issues (e.g., newly identified threats of terrorist attacks) can be effectively resolved through facility design and engineered security features, and formulation of mitigation measures, with reduced reliance on human actions.
- Designs with features to prevent a simultaneous loss of containment integrity (including situations where the containment is bypassed), and the ability to maintain core cooling as a result of an aircraft impact, or identification of system designs that would provide inherent delay in radiological releases (if prevention of release is not possible).
- Designs with features to prevent loss of spent fuel pool integrity as a result of an aircraft impact.

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Sincerely,



Adrian P. Heymer

Enclosure

c: The Honorable Dale E. Klein, Chairman, U.S. Nuclear Regulatory Commission
The Honorable Gregory B. Jaczko, Commissioner, U.S. Nuclear Regulatory Commission
The Honorable Peter B. Lyons, Commissioner, U.S. Nuclear Regulatory Commission
The Honorable Kristine L. Svinicki, Commissioner, U.S. Nuclear Regulatory Commission
Ms. Karen D. Cyr, Esq., General Counsel, U.S. Nuclear Regulatory Commission
Mr. William Borchardt, EDO, U.S. Nuclear Regulatory Commission
Mr. Michael R. Johnson, U.S. Nuclear Regulatory Commission
Mr. David B. Mathews, U.S. Nuclear Regulatory Commission

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Thread-Index: AcjhLYn75vl6ufKxTuWmumj+owWTdA==

From: "HEYMER, Adrian" <aph@nei.org>

Sender: "REED, Joseph" <jsr@nei.org>

To: undisclosed-recipients;

X-MailWise-About: Scanned by MailWise Filter (<http://www.mailwise.com>)

X-MailWise-Version: 3.1.0

X-MailWise-Envelope-From: jsr@nei.org

X-MailWise-Envelope-To: SECY@nrc.gov

X-MailWise-Original-Size: 104,368 bytes

X-MailWise-MsgID: 9000_1215543908.in

X-MailWise-Virus: NO Viruses were found in this e-mail

X-Mailwise-Rule: No Rules Hit

X-MailWise-Decision: PASSED

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