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May 28, 2013

Ms. Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Subject: NEI Comments on Station Blackout Mitigation Strategies Regulatory Basis and Draft Rule Concepts

Project Number: 689

Dear Ms. Vietti-Cook:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ submits the following comments on the Station Blackout Mitigation Strategies draft regulatory basis and rule concepts. These comments will be supplemented with more detailed comments on Appendix A, Station Blackout Mitigation Strategies Regulatory Basis Draft Rule Concepts, by June 20, 2013.

NEI agrees with the NRC staff's conclusion that rulemaking is warranted to apply the requirements of Order EA-12-049 to all existing and proposed nuclear power plants.

The NRC stated two regulatory objectives for the proposed Station Blackout (SBO) Mitigating Strategies rulemaking. The first is that Order EA-12-049 requirements be placed into the NRC's regulatory requirements and made generically applicable. NEI agrees with this objective. The regulatory requirements should, however, be structured to recognize and appropriately credit the enhanced capabilities of new plant designs. For licensees currently implementing Order EA-12-049, the regulatory framework should ensure that it would allow for future relaxation of the Order in its entirety in order to preclude conflicting requirements. As such, elements of the regulatory framework that create differences between the Order and the proposed rule should be avoided or allow multiple means for compliance. In that regard, NEI plans to include specific comments by June 20, 2013, on the draft rule concepts that are not currently addressed in the endorsed guidance (JLD-ISG-2012-01) such as for supplemental ac power sources and loss of normal access to the ultimate heat sink.

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 cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

Ms. Annette L. Vietti-Cook

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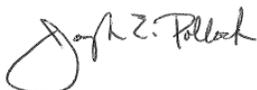
The second stated regulatory objective is to establish a regulatory framework linking SBO strategies in 10 CFR 50.63, the loss of large area strategies in 10 CFR 50.54(hh)(2) , and the beyond-design-basis external event strategies of the new rule. NEI agrees in principle with "linking" the strategies and believes further evaluation of this regulatory objective is prudent. NEI believes this can best be accomplished by addressing mitigating strategies in a section of the regulations separate from 10 CFR 50.63 and/or 10 CFR 50.54(hh)(2). NEI believes that the current station blackout (SBO) rule contained in 10 CFR 50.63 should not be modified as part of this rulemaking other than possibly to point to the mitigating strategies rule. The existing SBO rule was the subject of an extensive regulatory and backfit analysis,² has adequately protected public health and safety, and is well understood by both the industry and NRC. Successful implementation of the existing rule has meaningfully reduced the risk of core damage associated with extended loss of alternating current ("ac") power. The industry agrees that during a SBO event (10 CFR 50.63) a decision needs to be made regarding the deployment of the Extended Loss of ac Power mitigating strategies depending on the progression of the SBO event and, in fact, this provision is contained in Section 3.2.2(1) of NEI 12-06, Diverse and Flexible Coping Strategies (FLEX) Implementation Guide. Despite this fact, the SBO capability and basis is significantly different from the ELAP capability and basis, and, for this reason, should be addressed separately in the regulations.

Additionally, in a letter to the NRC dated March 19, 2013, from Mr. Anthony Pietrangelo, NEI provided comments on the draft regulatory basis for Onsite Emergency Response Capabilities. NEI proposed deferral of that rulemaking pending the outcome of other rulemaking activities. NEI believes that before proceeding with that rulemaking, elements of that proposed rulemaking need to be appropriately "linked" with the mitigating strategies rulemaking to avoid duplication of effort and to achieve a coherent regulatory framework.

Though detailed comments on the draft rule concepts will be provided later, in general the draft rule concepts contained in Appendix A address many design and implementation details. NEI believes that most of those details belong, more appropriately, in endorsed guidance. In addition, it is important that those details align with the current requirements being implemented under the Order.

If you have any questions in this regard, please do not hesitate to contact me.

Sincerely,



Joseph E. Pollock

c: Mr. Timothy A. Reed, NRR/DPR/PRB, NRC

² "Regulatory/Backfit Analysis for the Resolution of Unresolved Safety Issue A-44, Station Blackout," NUREG-1109, June 1988.

RulemakingComments Resource

From: BELL, Denise [dxb@nei.org]
Sent: Wednesday, May 29, 2013 9:40 AM
To: RulemakingComments Resource
Subject: NEI Comments on Station Blackout Mitigation Strategies Regulatory Basis and Draft Rule Concepts
Attachments: 05-28-13_NRC_Comments on Station Blackout Mitigation Strategies and Draft Rule Concepts.pdf
Importance: High

The attached file contains the full text of the cover letter.

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