

RULES AND DIRECTIVES
BRANCH
USNRC

As of: June 19, 2014
Received: June 18, 2014
Status: Pending_Post
Tracking No. 1jy-8cq-d-uxni
Comments Due: June 18, 2014
Submission Type: Web

PUBLIC SUBMISSION

2014 JUN 19 PM 2: 42

RECEIVED

Docket: NRC-2014-0071
Draft Regulatory Issue Summary; Tornado Missile Protection

Comment On: NRC-2014-0071-0003
Tornado Missile Protection; Extension of Comment Period

Document: NRC-2014-0071-DRAFT-0008
Comment on FR Doc # 2014-10586

4/4/2014

79FR 18933

Submitter Information

8

Name: Anonymous Anonymous
Submitter's Representative: Steve Meyer
Organization: STARS Alliance LLC

General Comment

Please see attached STARS Alliance LLC letter 14007.

Attachments

STARS Alliance comments on Draft RIS 2014-XX Tornado Missile Protection

SUNSI Review Complete
Template = ADM - 013
E-RIDS= ADM -03
Add-

J. Keene (GTK)



www.starsalliance.com
1626 N. Litchfield Rd., Suite 230
Goodyear, AZ 85395
T : 623-209-7549

Alliance Members:
Callaway Energy Center
Comanche Peak Nuclear Power Plant
Diablo Canyon Power Plant
Palo Verde Nuclear Generating Station
Wolf Creek Generating Station

STARS-14007

June 18, 2014

Ms. Cindy Bladey
Chief, Rules, Announcements and Directives Branch
Office of Administration, Mail Stop 3WFN-06-44M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: STARS Alliance LLC Comments on Draft Regulatory Issue Summary 2014-XX, "Tornado Missile Protection"

References:

1. Federal Register 79 FR 18933, dated April 4, 2014, Docket ID: NRC-2014-0071
2. Letter from Christopher E. Earls, Nuclear Energy Institute, to Cindy K. Bladey, USNRC, dated June 16, 2014

Dear Ms. Bladey,

STARS Alliance LLC (STARS) submits the following comments in response to the staff's draft Regulatory Issue Summary (RIS) 2014-XX, "Tornado Missile Protection" and the proposed, "Enforcement Discretion for Tornado Missile Protection Nonconformance," which accompanied the draft RIS. STARS appreciates the opportunity to provide comments.

STARS endorses the comments submitted by the Nuclear Energy Institute (Reference 2). In particular, we agree that the draft RIS and proposed enforcement discretion are unnecessary. STARS would like to emphasize the following points discussed in the NEI letter with regard to the draft RIS.

1. The draft RIS appears to present a narrowed definition of current licensing basis (CLB) as defined in 10 CFR §54.3. The draft RIS should not limit the scope of the CLB to the Updated Final Safety Analysis Report with regard to NRC evaluations for conformance with the licensing basis for tornado missile protection. The CLB also includes licensee written commitments and licensee correspondence such as responses to NRC bulletins, generic letters, enforcement actions, exemptions and commitments documented in safety evaluations or licensee event reports.
2. The draft RIS should recognize that the NRC safety evaluation report (SER) for plants subject to



the Systematic Evaluation Program (SEP), and the reports on results of the Individual Plant Examination of External Events (IPEEE), are part of the licensing basis for tornado missile protection.

3. The draft RIS states in part, "In the absence of specific descriptions of protective features for tornado missile protection contained in the licensing basis documents, the staff relies on NRC regulations and guidance provided in regulatory guides and the standard review plans to interpret any generalities in a plant's licensing basis." The NRC should rely on the review of material defined in 10 CFR §54.3 as the current license basis for the plant instead of regulatory guides and the standard review plan if the licensee made no commitment to these documents.
4. The draft RIS does not appear to recognize that 74 of the 100 units operating today were licensed more than 30 years ago, and 99 of the 100 operating units were licensed more than 20 years ago with regard to determining the requirements for tornado missile protection in the original plant licensing basis. It is inappropriate for the NRC to use staff positions developed after the pre-GDC plants were licensed to reinterpret the broadly worded text on tornado missile protection in the CLB of those plants in the absence of specific descriptions of protective features for tornado missile protection. The historical information in the CLB met the documentation requirements at the time the bases were established.
5. The draft RIS should be subject to a backfit analysis in accordance with 10 CFR §50.109.

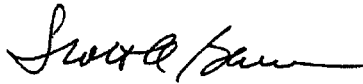
STARS would like to emphasize the following points discussed in the NEI comments with regard to the draft Interim Enforcement Policy (IEP).

1. The IEP states that enforcement discretion from entering a TS shutdown action statement will be granted if the nonconformance is identified within 12 months of the issuance of date of the associated Regulatory Issue Summary (RIS) 2014-xx. This timeframe is too short to allow licensees to appropriately prioritize and schedule licensing and design reviews of tornado missile design. The timeframe of 12 months should be extended to at least 24 months.
2. The requirement for the licensee to report specified information to their NRC Regional office within 7 days of the identification of a nonconformance constitutes a new reporting requirement in addition to 10 CFR §50.72 and/or 10 CFR §50.73, and in a timeframe that appears disproportionate to the risk significance of a tornado-related nonconformance.
3. The IEP states that NRC regional staff will review the licensee's report on the nonconformance to determine whether enforcement discretion should continue. However, the IEP gives no criteria on which the regional staff would use to make this determination. The decision criteria should be stated explicitly or the regional review eliminated.
4. The IEP states that the licensee is to provide within 7 days "a description of the potential loss of safety related equipment..." and "an aggregate assessment of the combined effect of implementing any and all current enforcement discretion." The requirement to submit this information within 7 days appears disproportionate to the risk significance of a tornado-related nonconformance. Additionally, the aggregate assessment should be limited to the equipment subject to enforcement discretion granted under this IEP.
5. The IEP requires the licensee to submit additional information within 30 days of identifying a

nonconformance; additional information within 90 days and then other information within 6 months. As the IEP anticipates licensees may identify more than one nonconforming condition, this could lead to a large number of overlapping timeframes and reports. These various reports are unnecessary based on the low risk significance of tornado protection nonconformances. No additional reporting should be required beyond those of 10 CFR §50.72 and/or 10 CFR §50.73.

Should you have any questions regarding this letter, please contact me at 623-239-4359, or scott.bauer@starsalliance.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Bauer".

Scott Bauer
Regulatory Affairs Functional Area Manager
STARS Alliance LLC

SJM