

**From:** [Purdy, Gary](#)  
**To:** [Garner, Douglas](#)  
**Subject:** FW: Additional Comments for Security ISG  
**Date:** Wednesday, January 14, 2015 3:22:36 PM  
**Attachments:** [Dominion Comments on ISG Review of Security Exemptions.docx](#)

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**Sent:** Wednesday, January 14, 2015 2:50 PM  
**To:** Purdy, Gary  
**Subject:** Additional Comments for Security ISG

Gary,

Apologies for the late addition. These comments just came in this week. Wanted to get these to you ASAP.

Thank you.

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Project Engineer, Security

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Dominion Comments on ISG Review of Security Exemptions/License Amendment  
Requests For Decommissioning Nuclear Power Plants

1. Section 4.0, Background, discusses that the DBT Order EA-03-086 still applies (at sites with fuel in the spent fuel pool (SFP)). The NRC may want to indicate that only portions of that Order apply based on RG 5.69 that specifies what structures can be affected by the adversaries, some of which are no longer susceptible. Same comment applies to other sections throughout the document.
2. Section 4.0, Background, discusses that portions of ICM Order EA-02-026 still apply. Since the Security requirements in that Order were rescinded in a 11/28/11 letter, there only remains an Operator Training requirement that is specific to an Operating Reactor and two (2) Emergency Preparedness (EP) requirements that have since been included in EP Rulemaking. There doesn't appear to be any Security requirements that are still applicable. Same comment applies to other sections throughout the document.
3. Section 4.0, Background, discusses "spent fuel sabotage" and should only apply to sites with fuel in the SFP. Although this ISG was written for those type of sites, Section 5.0 (p. 7) states that it is critical that the licensee provide the staff with details of the site-specific analysis including the period after the fuel has been moved from the SFP to the ISFSI. A clarification would ensure ISFSI only sites would not be required to comply with "spent fuel sabotage." The definition of "spent fuel sabotage" in the NRC approved Site Security Plans is not applicable to an ISFSI only site.
4. Section 4.0, Background recognizes that the risk of a large offsite radiological release at a decommissioning power reactor storing irradiated fuel in the SFP is lower than the risk of a large offsite radiological release from an operating power reactor and its SFP. This draft ISG also recognizes the performance objective in §73.55(b) that activities involving special nuclear material are not contrary to the common defense and security and do not constitute an unreasonable risk to the public health and safety.

Some of the SFPs at sites that have notified the NRC that they have permanently ceased power operations have had many years for their fuel to decay. Since the focus of §73.55 is to protect the public, during the review of exemptions or 50.90 submittals the NRC should also consider the potential radiological consequences associated with a SFP only site. RG 5.65, Vital Area Access Controls, Protection of Physical Security Equipment, and Key and Lock Controls, dated September 1986 (and reviewed by the NRC in June of 2010 with no changes) indicates that the level of radiation exposure that is considered to endanger the public health and safety is a release that exceeds 10 CFR 100 limits. It states in Section 2 that SFPs could be included in vital areas during threat period when the SFPs pose a

threat to public health and safety. After this initial period licensees would have the option of relaxing the SFP safeguards.

5. In the 3<sup>rd</sup> paragraph on page 5, discusses Security Plan changes that do not reduce the effectiveness of the plans and can be made without NRC approval. It references §50.54(p)(1). They may have meant §50.54(p)(2).
6. Section 6 (p. 10) states that input to an SER serves as the record of the staff's disposition of an application for amendment to, or exemption from regulatory requirements, and the information relied on and supplied by the licensee must be docketed and under oath or affirmation.

However, this appears to be a new requirement for exemptions and conflict with RIS 2001-18, Requirements for Oath or Affirmation, dated 8/22/01. RIS 2001-18 requires oath or affirmation on any docketed submittal related to a license application, license amendment, supplemental information or response to a request for information that will be used by the NRC to prepare and SER that approves or denies a license or license amendment. This RIS does not require exemptions to be submitted under oath or affirmation. Is the NRC proposing a revision to RIS 2001-18 that would affect exemptions from CFR requirements in all areas?

7. Section 7.3 discusses the staff performing a technical assessment of the exemption request, and Attachments 3 and 5 (Flow Charts for 50.90 and Exemption Reviews) include an Acceptance Review (LIC 109). This would be an improvement to the current review process. The Acceptance Review would allow Licensee to know within approximately a month whether the submittal is technically adequate for NRC review. This would be a more efficient process for both the Licensee and NRC Staff.

Comments on Table 1

10 CFR 73.55

1. (a)(4) through (6) Do not apply to ISFSI only.
2. (b)(2) Not all of the DBT is applicable to ISFSI only.
3. (b)(9)(ii)(B) Part 26 does not apply to a ISFSI only, see 10 CFR 26.3(e).
4. (e)(3)(i)(A) Not all of the DBT is applicable to ISFSI only.
5. (e)(5) There will be no Control Room at an ISFSI only.
6. (e)(7)(i)(C) Does not apply to ISFSI only, based on §72.212(b)(9)(iv), which allows observation by guard or watchman in lieu of video surveillance.
7. (e)(9)(5)(A), (B) and (D) are not applicable to ISFSI only.
8. (e)(10)(i)(A) and (B) are only partially required because core damage and spent fuel sabotage does not apply to ISFSI only (See definition in Security Plan for spent fuel sabotage).
9. (e)(10)(ii) Only applies to one facility since not all of the DBT is applicable to ISFSI only.
10. (g)(7)(i) and (ii) Part 26 does not apply to a ISFSI only, see 10 CFR 26.3(e).
11. (h)(3)(ii) Does not apply to ISFSI only, based on §72.212(b)(9)(iii) which allows a pat-down in lieu of equipment.
12. (i)(1), (2), and (3) These sections contain requirements for video surveillance equipment. Based on §72.212(b)(9)(iv), observation by guard or watchman in lieu of video surveillance is permitted.
13. (i)(4)(iii) New plant requirement, does not apply to ISFSI only.
14. (i)(5)(vi) Not applicable, there are no target sets.
15. (k)(1) through (7) and (8)(ii) Armed responders do not apply to ISFSI only, based on §72.212(b)(9)(v), which does not require interdiction or neutralizing threats.
16. (l) MOX Fuel requirements do not apply to ISFSI only.

17.(m)(2) Cyber Security does not apply to ISFSI only facility.

18.(n)(5) does not apply to ISFSI only, there is no control room.

19.(n)(6) Does not apply to ISFSI only, based on §72.212(b)(9)(iii), which allows a pat-down in lieu of equipment.

20.(r)(1)(ii) MOX fuel not applicable.

#### General Comment

The matrix appears to be incomplete and difficult to read because it does not address every section. Therefore it is not clear that if a section is not addressed, is it applicable or not applicable?