

May 15, 2015

John W. Stetkar, Chairman  
Advisory Committee on Reactor Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

SUBJECT: DRAFT SECY PAPER, "PROPOSED RULEMAKING: MITIGATION OF  
BEYOND-DESIGN-BASIS EVENTS (RIN 3150-AJ49)"

Dear Mr. Stetkar:

I am responding to your April 22, 2015 (Agencywide Documents Access Management System (ADAMS) Accession No. ML15111A271), letter in which the Advisory Committee on Reactor Safeguards (ACRS or the Committee) provided its conclusions and recommendations concerning the proposed Mitigation of Beyond-Design-Basis Events (MBDBE) rule. The staff appreciates that the ACRS endorses issuance of proposed MBDBE rule for public comment subject to the additional comments discussed below.

#### ACRS Conclusion and Recommendation 1

"We endorse publication of the draft proposed rule in the *Federal Register* for public comment subject to the following recommendations:

- a. The public comment period should be extended beyond the proposed 75 days to allow ample opportunity for this important review,
- b. Section 6 of Draft Regulatory Guide DG-1301 regarding the treatment of re-evaluated hazards should be completed, and
- c. The draft proposed rule and Draft Regulatory Guide DG-1301 should not be issued until NEI 12-06, Revision 1, is published in final form and the staff confirms that its guidance is acceptable."

#### Staff Response to ACRS Conclusion and Recommendation 1

The ACRS recommends extending the public comment period beyond 75 days. The U.S. Nuclear Regulatory Commission values external stakeholder feedback in the rulemaking process and will consider any official request for an extension of the public comment period. At the same time, the staff has committed to an expedited schedule to deliver the final rule to the Commission in December 2016. Accordingly, the staff will balance any request for an extension to the public comment period against the current schedule for this rulemaking.

Regarding the ACRS recommendation that DG-1301, "Flexible Mitigation Strategies for Beyond-Design-Basis Events," should be completed regarding the treatment of reevaluated hazards, the staff agrees and is currently focusing its efforts on completing the guidance to support issuance with the proposed rule.

The ACRS recommends that the NRC should not issue the proposed rule and DG-1301 until the Nuclear Energy Institute publishes NEI 12-06, Revision 1, "Diverse and Flexible Coping Strategies (FLEX) Implementation Guide," in final form and the staff confirms that its guidance is acceptable. The staff agrees that all supporting draft guidance should be issued with the proposed rule in accordance with the staff's cumulative effects of regulations process, and the staff is coordinating with the Nuclear Energy Institute to achieve this goal.

#### ACRS Conclusion and Recommendation 2

"A more comprehensive symptom-based and function-based framework should be developed for the integration of response capabilities that extend beyond the Emergency Operating Procedures (EOPs). The framework should coordinate strategies and guidance that are currently distributed among the fire response procedures, flooding response procedures, FLEX Support Guidelines (FSGs), Extensive Damage Mitigation Guidelines (EDMGs), and Severe Accident Management Guidelines (SAMGs)."

#### Staff Response to ACRS Conclusion and Recommendation 2

The ACRS recommends that a more comprehensive symptom-based and function-based framework should be developed for the integration of response capabilities than that currently contained in the proposed rule. While the proposed rule would integrate with the EOPs a number of guidelines, specifically FSGs, EDMGs, and SAMGs, it does not include the integration of fire and flood response procedures. The staff continues to conclude that the consideration of a broader integration of these additional procedures is best evaluated with the agency's Tier 3 actions associated with Near-Term Task Force (NTTF) Report's Recommendation 3.<sup>1</sup>

---

<sup>1</sup> The NTTF Report is an enclosure to SECY-11-0093, "Near-Term Report and Recommendations for Agency Actions Following the Events in Japan" (ADAMS Accession No. ML11186A950). NTTF Recommendation 3 discusses potential enhancements to the capability to prevent or mitigate seismically induced fires and floods.

J. Stetkar

- 3 -

Additional ACRS Observations and Comments

Finally, the body of your April 22, 2015, letter contained several observations and comments concerning the proposed rule and its supporting guidance. The agency appreciates your thoughtful feedback. The staff expects to address these observations and comments as it continues interacting with the ACRS on this important rulemaking effort.

Sincerely,

Mark A. Satorius /RA/ **Melanie A. Galloway for/**  
Executive Director  
for Operations

cc: Chairman Burns  
Commissioner Svinicki  
Commissioner Ostendorff  
Commissioner Baran  
SECY

J. Stetkar

- 3 -

Additional ACRS Observations and Comments

Finally, the body of your April 22, 2015, letter contained several observations and comments concerning the proposed rule and its supporting guidance. The agency appreciates your thoughtful feedback. The staff expects to address these observations and comments as it continues interacting with the ACRS on this important rulemaking effort.

Sincerely,

Mark A. Satorius /RA/ Melanie A. Galloway for/  
Executive Director  
for Operations

cc: Chairman Burns  
Commissioner Svinicki  
Commissioner Ostendorff  
Commissioner Baran  
SECY

DISTRIBUTION: LTR-15-0225-1

PUBLIC

RidsAcrs\_MailCTR

RidsNrrDpr

RidsNsrOd

RidsNrrMailCenter

RidsNroOd

RidsNmssOd

RidsEdoMailCenter

RidsNrrOd

RidsOcaMailCenter

TReed

TInverso

GLappert

ADAMS Accession Number: ML15114A167-pkg

\*via e-mail

EDO-002

OFFICE	NRR/DPR/PRMB	NRR/DPR/PRMB	Tech Editor*	NRR/DPR/PRMB	NRR/DPR/PRMB/BC	NRR/DPR
NAME	TReed	GLappert	CHsu	EOesterle	TInverso	AMohseni
DATE	5/7/2015	5/7/2015	5/8/2015	5/8/2015	5/8/2015	5/8/2015
OFFICE	NRR/JLD	NRR/DPR	NRO/DSRA*	NRR	EDO	
NAME	JDavis (JBowen for)	LKokajko	JMonninger (KHawkins for)	WDean (MEvans for)	MSatorius (MGalloway for)	
DATE	5/11/2015	5/12/15	5/11/2015	5/13/2015	5/15/2015	

OFFICIAL RECORD COPY