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# PUBLIC SUBMISSION

**Docket:** NRC-2014-0240  
Mitigation Strategies for Beyond Design Basis Events

**Comment On:** NRC-2014-0240-0003  
Mitigation of Beyond-Design-Basis Events

**Document:** NRC-2014-0240-DRAFT-0016  
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## Submitter Information

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## General Comment

V.C. Summer Nuclear Station supports the Nuclear Energy Institute's comments concerning implementation time, application of other change control processes, methodology for addressing the reevaluated hazards, use of adequate protection, and Spent Fuel Pool Instrumentation (SFPI). Please see the uploaded file for further details.

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## Attachments

NEI Comment Endorsement

V.C. Summer Nuclear Station supports the Nuclear Energy Institute's comments concerning the following:

- **Implementation Time:** The proposed rule would require that each holder of an operating license comply with its provisions no later than two years following the effective date of the rule. This timeframe is not adequate. The degree to which the reevaluated seismic or flooding hazard(s) may impact the implementation of mitigating strategies varies widely across the operating reactor fleet, and the effort required to address them varies widely too. In addition, the various evaluations necessary to prepare for any necessary changes are in different stages of completion. As a result, the industry recommends that the proposed rule allow licensees to submit site specific schedules for achieving full compliance with the rule. Our response to the question on "Equipment Protection Implementation Deadline" in Section VI of the rulemaking package provides our proposed rule language to address this concern.
- **Application of Other Change Control Processes:** Section 50.155(f) should explicitly and clearly address the application of "Other Change Control Processes" given that facility changes can impact multiple aspects of the plant having different applicable requirements, and be subject to different change control requirements. The rule and associated guidance should consistently differentiate between design basis conditions and beyond-design-basis conditions, i.e., clarify that existing change control processes such as §50.59, §50.54(p), §50.54(q) and fire protection change controls are *not* applied to beyond-design-basis requirements. Our response to the "Change Control" questions in Section VI of the rulemaking package proposes changes to the rule to address this concern.
- **Methodology for Addressing the Reevaluated Hazards:** The need for a licensee's strategies and guidelines to be capable of execution in the context of the reevaluated flooding and seismic hazards' should be addressed in §50.155(b)(1) rather than §50.155(c)(2). It is intended that the effects of the reevaluated hazards be mitigated in a manner similar to the strategies that have been developed by the industry for FLEX. The incorporation of the reevaluated hazards into §50.155(c)(2)(i) addresses reasonable protection, and reasonable protection only applies to FLEX equipment. This does not achieve the intended objective of developing mitigating strategies for the reevaluated flood and seismic hazards. In addressing mitigating strategies for the reevaluated hazards, §50.155(b)(1) should allow further flexibility in the licensee's strategies and guidelines by 1) establishing an alternative means of compliance that does not include the surrogate conditions of an extended loss of all alternating current power and loss of normal access to the ultimate heat sink, and 2) providing different success criteria for targeted or scenario-specific mitigating strategies (i.e., namely requiring core cooling and spent fuel pool cooling but not the containment capability to be maintained). The rule should also allow for utilization of risk insights to demonstrate reasonable protection for mitigation of beyond design basis seismic events. Our response to the "Methodology for Addressing the Reevaluated Hazard" question in Section VI of the rulemaking package proposes changes to the rule to address this concern.

- **Use of Adequate Protection:** The proposed rule and regulatory analysis properly recognizes that the new requirement to monitor and assess multiple source terms constitutes a backfit, but rather than perform a systematic and documented analysis demonstrating that this new requirement will result in a cost-justified substantial increase in safety, the NRC has invoked backfit exception in §50.109(a)(4)(ii) for regulatory actions that are “necessary to ensure that the facility provides adequate protection to the health and safety of the public.” The draft regulatory analysis fails to overcome the presumption that current regulations and orders currently ensure adequate protection because it identifies no significant safety issue that is going unaddressed. On top of the extensive required actions that licensees are already taking, the industry is voluntarily implementing multiple source-term dose-assessment capabilities to assist in the mitigation of remote, yet potentially serious beyond-design-basis, external events. Rather than place these actions in their proper context, the draft regulatory analysis offers generic statements about meeting existing emergency preparedness regulatory objectives. Accordingly, the NRC has not justified using the adequate protection exception and should not impose this new requirement absent an analysis demonstrating that it will result in a cost-justified substantial increase in safety. We provide additional information relative to this concern in response to Question 5 in Section XI of the rulemaking package.
- **Spent Fuel Pool Instrumentation (SFPI):** The rule language, regulatory guides and related supporting information must keep the requirements for SFPI separate and distinct from the requirements for mitigating strategies. The requirement for SFPI was promulgated by NRC Order EA-12-051, while the requirement for mitigating strategies was promulgated by NRC Order EA-12-049. While the two orders were in response to lessons learned from the Fukushima accident, they are distinctly different in underlying purpose and character. EA-12-049 requires guidance and strategies to maintain core and spent fuel cooling and the containment function in the face of certain events, and requires the ability to take action under the circumstances specified in the order. EA-12-051 requires the installation of reliable spent fuel pool instrumentation to provide decision makers with information about the amount of water in the spent fuel such that resources can be allocated. EA-12-051 does not require the ability to take action; it only provides information. The fact that industry FLEX program implemented in response to EA-12-49 uses this information to indicate the need to add water to the pools does not change the underlying SFPI requirement and does not justify including SFPI as part of mitigating strategies as appears to have been done in the draft of proposed §50.155(c)(4).