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Secretary
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Docketing and Service Branch

DOCKET NUMBER
PROPOSED RULE **PR** 60-73-75-75
(60FR42079) (15)

Subject: Arkansas Nuclear One - Units 1 and 2
Docket Nos. 50-313 and 50-368
License Nos. DPR-51 and NPF-6
Comments on Proposed Rule: Safeguards for Spent Nuclear Fuel or High-Level
Radioactive Waste

Gentlemen:

In response to your request for comments on the proposed rule to clarify safeguards requirements for spent nuclear fuel or high-level radioactive wastes stored at independent spent fuel storage installations (ISFSIs), power reactors that have permanently ceased operations, etc. (60FR42079), the attached comments are forwarded for your consideration.

An ISFSI is scheduled to begin operation at Arkansas Nuclear One (ANO) during 1996 utilizing a general license issued pursuant to 10CFR72. Therefore, our comments are directed at those items in the proposed rule which could have an effect on safeguards at an ISFSI operating under a general license. For the proposed ISFSI at ANO, Entergy Operations agrees with the staff's assertion that the proposed rulemaking does not add any additional safeguards requirements for spent nuclear fuel storage under a general license.

Should you have any questions regarding this submittal, please contact me.

Very truly yours,

Dwight C. Mims
Dwight C. Mims
Director, Nuclear Safety

DCM/jjd

attachment

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COMMENTS ON PROPOSED RULE

1. On September 19, 1995, Mr. Jack W. Roe of the NRC staff sent a letter to Mr. John P. Stetz of Centerior Energy. In this letter, the staff states that the requirements of Subpart K to 10CFR72 [concerning use of a general license for an independent spent fuel storage facility (ISFSI)], are considered to be "in addition to" other Part 72 requirements. The letter also identified several requirements of Part 72 that applied to a general licensee beyond those in Subpart K. The requirements of Subpart H (Physical Protection) were not discussed.

It appears from the proposed rule that the revised §72.180 does not apply to general licensees, since the proposed §72.212(b)(5) gives a general licensee the option of maintaining their physical security plan per §73.51 or §73.55. In light of the letter discussed above, please clarify whether this requirement and the remaining requirements of Subpart H (§72.182, §72.184, and §72.186) also apply to general licensees "in addition to" the physical security requirements included in Subpart K.

2. The retention periods for the physical security plan included in the proposed §72.180 are redundant to those in §73.51(c). These requirements should only be included once.
3. The proposed §72.212(b)(1)(iv) discusses a new notification requirement to inform the NRC whether a general licensee will implement §73.51 or their approved physical security plan pursuant to §73.55. It is not clear how this notification should be made for persons that have already submitted the letter required by §72.212(b)(1)(i), but have not yet begun use of the general license.

Additionally, the proposed §72.212(b)(1)(iv) contains the following typographical error which should be corrected as follows: "Notify the NRC as to whether they will implement §73.51 ~~or~~ of this chapter or their approved security plan..."

4. The discussion in the background section for the proposed rule states that the proposed amendments do not require specific protection against the malevolent use of a vehicle. However, the existing and proposed §72.212(b)(5) provide requirements to use the same requirements and provisions set forth in the licensee's physical security plan pursuant to §73.55, with certain conditions and exceptions. Since §72.212 was promulgated, §73.55 has had sections (c)(7) - (c)(10) added which add requirements connected with vehicular threats. These sections of §73.55 are not included as excepted sections under §72.212(b)(5)(v).

The wording of §73.1(a) specifically exempts ISFSIs from the radiological sabotage vehicular design basis threats included in §73.1(a)(1)(i)(E) and

§73.1(a)(1)(iii), which in turn renders §73.55(c)(7) - (10) not applicable for ISFSIs. However, making this determination is a long and arduous process. Clarification could be provided by listing §73.55(c)(7) - (10) as exempted provisions for ISFSIs under a general license in §72.212(b)(5)(v).