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Comments on Proposed 10 CFR 50.69

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Although the general approach for risk-informed treatment appears sound, I believe that there is a hole in the logic, particularly post-9/11. "Risk-informed" assumes failures related to the design basis accidents and other external events such as earthquake or tornado. However, the same SSC that may fail based on time-dependent phenomena, or imperfect design, construction and inspection techniques can also be made to fail deliberately. The deliberate failure scenarios addressed by the safeguards plan (e.g., "design basis threat") must also be evaluated to assure that "risk-informed" treatment of them does not compromise the SSC resistance to deliberate acts.

Sabotage and terrorism (as encompassed by "design basis threat") can also cause failures of risk and consequence important systems. I urge that the final rule include the following:

1. SSC directly related to security and non-proliferation features are not included under 10CFR50.69.
2. SSC that may be credited directly or indirectly under the safeguards plan by the licensee must be evaluated to assure that downgrading them to a lower "risk-informed" category to assure that their safeguards capabilities are not degraded by the lesser degree of attention that are allowed by the lower "risk-informed" categorization. For example, block walls and other barrier features that are used to assure adherence with the single failure criteria also can serve as robust barriers to saboteurs and terrorists under the safeguards plan. The lower risk-significance treatment cannot result in a safeguards feature being less "robust."
3. The risk-informed submittal should not require submittal of safeguards information, merely attestation that safeguards features have been suitably addressed in accordance with the applicable rules. NRC inspectors can review the supporting information on-site, as appropriate.

There are a number of ways that this can be addressed under the rules. However, the final rulemaking should make sure that this aspect is addressed.

Sincerely,

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