

REGULATORY ANALYSIS

DRAFT REGULATORY GUIDE DG-1282 FUEL OIL SYSTEMS FOR EMERGENCY POWER SUPPLIES (Proposed Revision 2 of Regulatory Guide 1.137 dated October 1979)

1. Statement of the Problem

Revision 1 of regulatory guide 1.137 was issued in 1979 to endorse the guidance in American National Standards Institute (ANSI) Standard ANSI N 195-1976, "Fuel Oil Systems for Standby Diesel-Generators" as a method acceptable to the NRC staff for complying with the Commission's regulations regarding fuel-oil systems for standby diesel generators and assurance of adequate fuel-oil quality. The ANSI standard was revised in 1989 to (1) conform to revisions of ANSI/ANS-51.1, "American National Standards Nuclear Safety Criteria for the Design of Stationary Pressurized Water Reactor Plants," (now withdrawn) and ANSI/ANS-52.1, "Nuclear Safety Criteria for the Design of Stationary Boiling Water Reactor Plants," (now withdrawn); and (2) to resolve comments from previous ballots issued in 1982 for reaffirmation, in 1985 for withdrawal, and then in 1986 for reaffirmation. The standard underwent revision again in 1997 as ANSI/ANS-59.51-1997, "Fuel Oil Systems for Safety-Related Emergency Diesel Generators," with reaffirmation in October 2007. As a consequence, the current regulatory guide endorses an ANSI standard that is no longer available.

2. Objective

The regulatory guide should be revised to provide appropriate guidance or withdrawn to eliminate the endorsement of an ANSI standard that is no longer readily available.

Revising this regulatory guide to endorse portions of a consensus standard is consistent with the NRC policy of evaluating the latest versions of national consensus standards to determine their suitability for endorsement by regulatory guides. This approach will also comply with the NRC's directive that standards developed by consensus bodies must be used in accordance with Public Law 104-113, "National Technology Transfer and Advancement Act of 1995."

3. Alternative Approaches

The NRC staff considered the following alternative approaches:

1. Do not revise Regulatory Guide 1.137
2. Withdraw Regulatory Guide 1.137
3. Revise Regulatory Guide 1.137 to address the current methods and procedures.

Alternative 1: Do Not Revise Regulatory Guide 1.137

Under this alternative, the NRC would not revise guidance, and the current guidance would be retained. If NRC does not take action, there would not be any changes in costs or benefit to the public, licensees or NRC. However, the “no-action” alternative would not address identified concerns with the current version of the regulatory guide. The NRC would continue to review each application on a case-by-case basis. This alternative is considered the “no-action” alternative and provides a baseline condition from which any other alternatives will be assessed.

Alternative 2: Withdraw Regulatory Guide 1.137

Under this alternative the NRC would withdraw this regulatory guide. This would eliminate the current conflict that exists between the current regulatory guide and the updated consensus standards. It would also eliminate the only readily available description of the methods the NRC staff considers acceptable for demonstrating compliance with the Commission’s requirements regarding fuel oil systems for safety-related emergency diesel generators and oil-fueled gas turbine generators, including assurance of adequate fuel oil quality. Although this alternative would be less costly than the proposed alternative, it would impede the public’s accessibility to the most current guidance information.

Alternative 3: Revise Regulatory Guide 1.137

Under this alternative, the NRC staff would revise Regulatory Guide 1.137 to endorse the guidance in ANSI/ANS-59.51-1997 (which was reaffirmed in 2007) with some modification and clarification. By doing so, the NRC would ensure that the RG guidance available in this area is current, and accurately reflects the staff’s position.

The impact to the NRC would be the costs associated with preparing and issuing the regulatory guide revision. The impact to the public would be the voluntary costs associated with reviewing and providing comments to NRC during the public comment period. The value to NRC staff and its applicants would be the benefits associated with enhanced efficiency and effectiveness in using a common guidance document as the technical basis for license applications and other interactions between the NRC and its regulated entities.

Conclusion

Revision 2 of regulatory guide 1.137 is being issued to update the regulatory guidance to current standards and practices to better describe a method acceptable to the NRC staff for complying with the pertinent requirements of General Design Criterion 17 of Appendix A to 10 CFR Part 50.

Backfit Rule Concerns

Any revision to this regulatory guide is not being imposed upon current licensees and may be voluntarily used by existing licensees. In addition, this proposed revision to this regulatory guide is issued in conformance with all applicable internal NRC policies and procedures governing backfitting. Accordingly, the NRC staff issuance of this regulatory guide revision is not considered backfitting, as defined in 10 CFR 50.109(a)(1) nor is it deemed to be in conflict with any of the issue finality provisions in 10 CFR Part 52.