



2012 SEP 12 PM 2:09

NUCLEAR ENERGY INSTITUTE

RECEIVED

7/31/2012
77FR45282

Christopher E. Earls
DIRECTOR
SAFETY-FOCUSED REGULATION
NUCLEAR GENERATION DIVISION

September 12, 2012

Ms. Cindy K. Bladey
Chief, Rules, Announcements, and Directives Branch (RADB)
Office of Administration
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

①

Subject: Comments on Draft Regulatory Issue Summary "NRC Position on the Relationship Between General Design Criteria and Technical Specification Operability" (Docket ID NRC-2012-0179)

Project Number: 689

Dear Ms. Bladey:

The Nuclear Energy Institute (NEI)¹ is pleased to provide these comments on the above-referenced Regulatory Issue Summary (draft RIS), which explains the NRC's position on the relationship between General Design Criteria (GDC) and Technical Specification (TS) operability. The draft RIS also discusses the process for addressing nonconformance with GDC that are incorporated into a plant's current licensing basis.

As discussed during the public meeting held on August 8, 2012, the draft RIS was not intended to modify the NRC's current guidance on the performance of operability determinations.² Rather, by its terms, the RIS was intended to "clarify the relationship between...[the] General Design Criteria for Nuclear Power Plants...and 10 CFR 50.36, Technical Specifications" and to clarify "the process for addressing nonconformances with general design criteria (GDC) as incorporated into a plant's

¹ NEI is responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory, financial, technical and legislative issues. NEI members include all companies licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

² See Inspection Manual Part 9900 Technical Guidance, "Operability Determinations & Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety."

E-RIDS = ADM-03

SUNSI Review Complete
Template = ADM-03

Cell = N. Alepion (TWA)

Ms. Cindy K. Bladey
September 14, 2012
Page 2

current licensing basis (CLB)."³ NEI agrees that it would be inappropriate to introduce new guidance on how to evaluate TS operability in this RIS.⁴ In this regard, NEI agrees with the more detailed comments submitted by the Technical Specifications Task Force.⁵ The incorporation of the task force comments will ensure that the RIS is consistent with existing NRC guidance and the improved Technical Specifications currently in use at 76 of the nation's 104 nuclear power plants.

While we agree that the draft RIS should not (and does not) modify existing guidance on how to perform operability determinations, the document does little more than restate portions of the Part 9900 Technical Guidance and other NRC documents. Further, we do not believe that there is any industry-wide confusion regarding the need to consider TS operability when nonconformances with relevant GDC are discovered. Therefore, we do not believe that this draft RIS is necessary. Nonetheless, if the NRC decides to issue a final RIS, the staff should continue to ensure that the RIS remains narrowly focused and does not function to modify the current guidance provided in documents like Inspection Manual Part 9900.

If you have any questions regarding our comments, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Earls", with a stylized flourish at the end.

Christopher E. Earls

³ 77 *Fed. Reg.* 45282-45283; July 31, 2012 (internal quotations omitted).

⁴ We understand that later this year the NRC will be hosting a workshop to discuss possible changes to the Part 9900 Technical Guidance and we look forward to participating in that effort through the Technical Specification Task Force.

⁵ "Technical Specifications Task Force (TSTF) Response to July 31, 2012 *Federal Register* Notice, 'NRC Position on the Relationship Between General Design Criteria and Technical Specification Operability,' Docket ID NRC-2012-0179," (TSTF-12-17, PROJ0753) (September 14, 2012).