

Charles R. Pierce
Regulatory Affairs Director

Southern Nuclear
Operating Company, Inc.
40 Inverness Center Parkway
Post Office Box 1295
Birmingham, AL 35201

Tel 205.992.7872
Fax 205.992.7601



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U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
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NEI Petition to Rulemaking to Amend 10 CFR Part 50.69,
Risk-Informed Categorization and Treatment of Structures, Systems,
and Components for Nuclear Power Reactors, to Clarify the Scope of
Applicability to Include Holders of Combined Operating Licenses (COLs)

Reference:

1. Petition to NRC from NEI, In the Matter of a Proposed Rulemaking Regarding Amendment of 10 CFR Part 50.69, Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Reactors, posted 1/26/2015. (ML15015A703)

Ladies and Gentlemen:

With regard to the referenced petition, the following issues should be considered to provide higher priority justification that amending 10 CFR 50.69 to New Reactor COL holders is warranted:

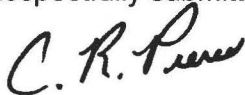
1. Interest by industry to use a "fixed" 10 CFR 50.69 process
2. Clear and consistent regulation for all type license holders
3. Resources to support this rulemaking change process

Regarding the first item, there certainly is interest by the industry to have a "fixed" 10 CFR 50.69 process. Earlier this year, SNC received a License Amendment to use 10 CFR 50.69 for the Vogtle Electric Generating Plant (VEGP) Units 1 and 2. The long-term strategic plan at Southern Nuclear Operating Company (SNC) is to apply 10 CFR 50.69 fleet-wide – which includes VEGP Units 3 and 4. SNC has engaged other licensees and, while there is certainly interest, not having the rule "fixed" causes significant uncertainty and therefore a lack of willingness to expend resources on an uncertain outcome. This is also a concern shared and expressed by SNC. VEGP Units 3 and 4 and other current COL holders, as well as soon to be COL holders, find that prohibition from transitioning to 10 CFR 50.69 is inconsistent with the principles of good regulation. Therefore, this oversight has to be resolved quickly to remedy the error and to improve regulatory predictability. Additionally, the industry and the NRC have already invested a significant amount of time in supporting this process. Therefore, the additional effort necessary to resolve this known and well-studied/investigated issue will be time worth investing. Therefore, the desire on quickly proceeding with this petition is prudent.

Secondly, Design Certificate applicants and holders use a process (i.e. risk-informed categorization) that is very similar to 10 CFR 50.69 to develop Design Reliability Assurance Programs (DRAP). These DRAP programs are "transferred" to the COL applicant and COL holder and ultimately approved by the NRC. Similar risk-informed categorization processes are also used in identifying structures, systems and components (SSCs) to be incorporated into Regulatory Treatment of Non-safety System (RTNSS) Programs. As the COL holders transition to the operating phase, results of risk-informed categorizations are also used to appropriately identify treatment of SSCs (i.e. QA, maintenance, testing, and inspections) consistent with the SSCs safety significance. This was previously known as "Operational Reliability Assurance Programs (ORAP)." For Small Module Reactors (SMRs), the NRC has issued SECY-11-0024, "Use of Risk Insights to Enhance the Safety Focus of Small Modular Reactor Reviews." The process and concept proposed in SECY-11-0024 is also very similar to that of 10 CFR 50.69 in that the NRC focus (e.g. level of review/inspection) will be a function of "risk significance," that is, safety related and risk significant SSCs will receive more attention while safety related and not risk significant SSCs will receive less attention. SNC recommends that a COL holder should be able to transition from a DRAP/ORAP program to a 10 CFR 50.69 program.

Regarding the last item, if a COL holder desires to exercise its right to transition to 10 CFR 50.69 prior to commercial operation, changes to its ITAAC process are necessary. The industry will need to work with the NRC to identify a process on how to address impacts on the ITAAC closure process. This review should also consider the timing of when a COL applicant would implement 10 CFR 50.69 (e.g. Design Certificate holder, COL applicant stage, prior to the 10 CFR 52.103(g) finding, or after the 10 CFR 52.103(g) determination). It is noteworthy that there are currently industry resources and personnel expertise to work on this ITAAC topic. These limited resources and/or appropriate expertise may not be as available at a later date.

Respectfully submitted,



Charles R. Pierce
Regulatory Affairs Director

CRP/AA/GLS

cc: Southern Nuclear Operating Company
Mr. S. E. Kuczynski, Chairman, President & CEO
Mr. D. G. Bost, Executive Vice President & Chief Nuclear Officer
Mr. M. D. Meier, Vice President – Regulatory Affairs
Mr. D. R. Madison, Vice President – Fleet Operations
Mr. B. J. Adams, Vice President – Engineering
Mr. B. H. Whitley, Regulatory Affairs Director
Mr. A. Afzali, Licensing Director for Next Generation Reactors
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Mr. G. M. Tracy, Director of the Office of New Reactors

Mr. L. J. Burkhart, Chief, AP1000 Projects Licensing Branch

Mr. R. D. Berry, Project Manager of the Office of New Reactors

NEI

Mr. M. D. Tschiltz, Director, Risk Assessment

Mr. T. X. Zachariah, Project Manager, Risk Assessment