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March 29, 2000

Mr. David L. Meyer, Chief  
Rules Review and Directives Branch  
Office of Nuclear material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**REFERENCE:** Comments on a Draft Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility (SR1718) (*Federal Register* Vol. 65, No. 21, p. 4856 dated February 1, 2000)

Dear Mr. Meyer:

The Nuclear Energy Institute<sup>1</sup> (NEI) is pleased to submit the attached comments on the draft Standard Review Plan (NUREG-1718) for MOX fuel fabrication facility licensing which the Nuclear Regulatory Commission (NRC) released for public comment in January 2000.

Draft NUREG-1718 builds upon the structure and content of draft NUREG-1520 (*Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility*) and addresses the proposed rule revisions to 10 CFR 70. Draft NUREG-1718 addresses some of the deficiencies contained in the NUREG-1520 Standard Review Plan (SRP). It distinguishes between the license application information for a construction license and for one to possess licensed material. Overly prescriptive provisions in some of the chapters of NUREG-1520 have been reduced or eliminated and greater reliance is placed in several chapters of NUREG-1718 on evaluation of a license applicant's programmatic commitments than on review of detailed programs and procedures.

<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities 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.

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Several areas of concern with draft NUREG-1718 have, however, been identified. Certain chapters remain highly prescriptive and provide regulatory guidance more applicable to commercial nuclear power reactors. The manner in which the SRP expects an applicant to adopt NRC regulatory or industry codes and standards is of particular concern. The expectation for an applicant to justify why a particular standard is *not* endorsed, rather than to propose methods to meet a performance requirement, requires revision. Confusing and contradictory remarks persist concerning the content and use of the ISA and ISA Summary in the licensing process. The license application review process often fails to incorporate the results of the ISA as presented in the ISA Summary.

NEI's comments on draft NUREG-1718 are addressed in the attachment to this letter. Our comments address generic issues of concern, but do not include detailed mark-ups of individual chapters. We do recommend, however, a thorough technical review of this document to address inconsistent usage of terminology, grammatical errors and misplaced regulatory references.

NEI appreciates the opportunity to have reviewed this draft SRP and to provide you with a summary of our principal concerns. We compliment the NRC on its solicitation of stakeholder participation and look forward to further involvement with the Commission and its staff in revising this draft guidance document.

Yours Sincerely,



Felix M. Killar, Jr.  
Attachment

c: Peter S. Hastings, DCS

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**COMMENTS ON THE DRAFT  
STANDARD REVIEW PLAN FOR THE REVIEW OF AN APPLICATION FOR  
A MIXED OXIDE (MOX) FUEL FABRICATION FACILITY (SR1718)  
(*Federal Register* 65FR4856)**

**Submitted by the  
Nuclear Energy Institute**

## **Introduction**

Draft NUREG-1718 is designed to provide guidance for the review of license applications for both the construction and operation of MOX fuel fabrication facilities. It adopts the structure and content of NUREG-1520, the SRP that is now under preparation for review of fuel cycle facilities licensed under 10 CFR 70. The authors of NUREG-1718 have incorporated some of the improvements to NUREG-1520 that were suggested by NEI in submissions to the NRC over the July-December 1999 period.

NEI has conducted a preliminary review of the draft MOX SRP to examine for consistency with the existing 10 CFR 70 rule and its proposed revisions, for adoption of a risk-informed, performance-based approach to evaluate and approve license applications, for selection of appropriate regulatory and industry standards against which to judge an application's acceptability, and for correct use of the results of the ISA in the licensing process. This review highlights both the improvements incorporated into draft NUREG-1718 and deficiencies and areas of concern that require further consideration and revision.

## **Favorable Attributes**

The amount of prescriptive detail has been reduced in some areas of NUREG-1718. For some safety programs the SRP places greater reliance on assessing a license applicant's programmatic commitments and less on review of detailed procedures and programs. The clarity of the SRP language is much improved. Distinguishing between the licensing requirements for facility construction and for licensed material possession (facility operation) is very useful. Inclusion of examples in the Regulatory Acceptance Criteria sections of individual chapters (e.g. §6.4.3) may be helpful to a reviewer, although many appear to exceed the specificity of the acceptance criteria and must be revised. Such examples should not in themselves create additional reviewer expectations. The separation of 10 CFR 51 requirements (environmental assessment, environmental impact study) from draft SRP Chapter 10 ('Environmental Protection') significantly simplifies the SRP and its treatment of environmental impact analysis. Several subsections of the

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Management Measures chapter (Chapter 15) have been improved through removal of prescriptive detail and terminology appropriate only to nuclear power plants.

### Issues of Concern

The continuing use of regulatory guidance applicable to commercial nuclear reactors and the adoption of complex reactor programs as the benchmark acceptance criteria for a MOX fuel fabrication facility is of overriding concern. Permitting applicants to commit to the principles of an NRC-endorsed industry standards and codes is commended. However, fixing an industry standard or code as the benchmark against which a license application will be judged and requiring the applicant to justify any deviations from that standard or code constitutes poor practice. There is often little consistency between chapters in the use of the terms ISA and ISA Summary. The SRP frequently seeks inclusion of information in the license application that should only be included in the ISA Summary. For example, the information on plant systems (Chapter 12) is appropriate for the ISA Summary, but not for the license application. The draft SRP often seeks to impose requirements for which there is no supporting regulatory basis. Of the four new chapters incorporated into NUREG-1718, two appear redundant and simply repeat information for assessment of an applicant's proposed management measures. Such redundancy and duplicity should be expunged. On several occasions the SRP language suggests that a reviewer should assess an applicant's proposed methods or procedures to achieve compliance with a regulation. Assessment of detailed procedures lies outside of the license application review and should not be expected.

Each of these concerns is discussed below. Detailed mark-ups of individual chapters have not, however, been prepared as part of this preliminary review.

#### (i) SRP Terminology

Numerous inconsistencies in terminology that were discussed and corrected in NUREG-1520 persist in NUREG-1718. For example, 'ensure' should be replaced by 'provide reasonable assurance' throughout the SRP, as a license applicant can very seldom provide the certainty that is associated with the former term, especially prior to plant start-up. The term 'consequences of concern' (§15.1.5) is a holdover from an early 1999 version of the proposed 10 CFR 70 rule revisions and has been replaced by 'performance requirements.' The SRP should also make reference to the 10 CFR 70.4 term 'unacceptable performance deficiencies' rather than the various terms used in Chapter 15.7 when discussing the provisions of a Corrective Action Plan. Interchangeable usage of the terms 'item relied on for safety' and 'structures, systems and components' is confusing and should be clarified. In §5.4.3.1 this confusion results in the erroneous statement that an SCC is always an IROFS (the converse is true for engineered safety controls). The term 'management

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*measures'* has two distinctive uses in the SRP that should be better distinguished: functions as defined in 10 CFR 70.4 that pertain to the reliability and availability of IROFS, and the oversight and direction provided by plant management for safe and efficient facility operation. The SRP often specifies that a license applicant to '*demonstrate*' compliance with a regulatory requirement. A license applicant can *describe* how a regulatory requirement will be met, but *demonstration* can only be achieved through actual plant operation. Finally, imprecise language in the draft SRP could be construed to broaden NRC regulatory oversight to include all hazardous chemicals and effluents from a MOX facility. For example, §10.3(C) directs the reviewer to examine "...*accident sequences...which, if unmitigated, [would] result in releases to the environment...*". In fact, the reviewer should be constrained to examine radiological releases to the environment that could, for example, exceed the performance requirements of 10 CFR 70.61. (The issue of hazardous chemicals is addressed below.) Acceptance criteria language in draft SRP Chapter 14 ('Emergency Management') is particularly deficient in its use of such terminology.

## (ii) *Incorporation of Standards*

Several SRP chapters permit a license applicant to meet a regulatory requirement through adoption of provisions of an NRC Regulatory Guide or an NRC-endorsed industry standard. NEI supports this approach, so long as the regulatory guide or standard does not constitute the only acceptable method to meet the requirement and so long as the applicant is not expected to adopt guides or standards by reference in the license application. Guides and standards were never originally written for the purpose of becoming license conditions. Use of such terms as "...*commit to (or satisfy) the intent of...*", "*demonstrate equivalency with...*" or "...*be consistent with the principles of...*" are acceptable approaches when referencing a standard or code. Alternatively, the applicant should be permitted to simply incorporate into the license application appropriate provisions of a guide or standard. Draft SRP Chapter 6 ('Nuclear Criticality Safety') generally uses this approach. In contrast, however, the approach used in draft SRP Chapter 7 ('Fire Safety') is not acceptable. The SRP identifies an inordinately large number of NFPA codes outlining parameters that '*...may be applied...*' (§7.4.3), but then in an overly prescriptive manner, essentially mandates their adoption. NUREG-0800, which is referenced extensively throughout Chapter 7, provides regulatory guidance applicable to the review of nuclear power plants based upon particular rules in 10 CFR 50. Numerous sections of this NUREG are not, however, appropriate for the review of a MOX facility and should not be referenced or used. Chapter 7 promotes an erroneous regulatory philosophy by requiring the applicant to defend why specific sections of NFPA codes and standards are *not* adopted, rather than to assess whether the applicant's

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approach will meet the regulatory requirement. An SRP should always direct the reviewer to assess the adequacy of an applicant's approach rather than to seek explanation as to why another approach was *not* adopted. Individual sections of Chapter 7 are unnecessarily prescriptive (e.g. §7.4.3.2) and should be simplified. Tying the fire safety program so prescriptively to NFPA codes and standards must also be corrected.

Many SRP chapters cite regulatory guidance for commercial nuclear reactors as the basis ('lowest threshold') for evaluating a MOX license application (e.g. NUREG-0800, NUREG-1220). This pre-supposition that the risks to human health and safety and the environment will be on a par with those of a nuclear power reactor is both unjustified and inappropriate. This presumption both ignores the role of the ISA in the licensing process and the latitude granted the applicant by 10 CFR 70.62(a) to grade the safety program in accordance with the results of the ISA as presented in the ISA Summary.

### *(iii) ISA and ISA Summary*

Inconsistent guidance is provided in individual SRP chapters on the content and use of the ISA and ISA Summary in the licensing process. Some chapters (correctly) direct consultation of the ISA Summary in the license assessment process. Others dictate review of the 'ISA Documentation' which, although not clearly defined, is construed to include the docketed ISA Summary and the ISA and supporting ISA documentation, both of which are retained at the facility. In many chapters the SRP directs inclusion in the license application of information that need only be presented in the ISA Summary. This is a serious, generic problem with draft NUREG-1718: clear delineation of what information need be included in the license application and what need only be presented in the ISA Summary.

Reviewers must be consistently directed to primarily use the ISA Summary in assessments. When additional information is sought, for example, to understand the logic behind a particular approach, or to review low-risk accident sequences not included in the ISA Summary, then the ISA itself and background information may be both consulted at the facility.

There appears to be a misunderstanding of the content of the ISA Summary. For example, § 5.6 states that the ISA Summary "...*identifies all hazards at the facility*". The ISA Summary does *not* identify all hazards, but only those subject to NRC jurisdiction and not, for example, those workplace hazards falling under OSHA jurisdiction. An additional example occurs in §8.1 where the SRP incorrectly states that "...*the ISA Summary identifies potential accidents at the facility...*"; the ISA Summary only identifies accident

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sequences whose consequences could exceed the performance requirements of 10 CR 70.61 and that are, as a result, safety-significant. Additionally, of the radiological hazards assessed in the ISA, only those safety-significant, high- and intermediate-consequences sequences are addressed in the ISA Summary.

The regulatory acceptance criteria in §5.4.3.2 for accident sequence analysis (p. 5.0-18) are very confusing. For example, directing a reviewer to examine accident sequences and "...failures of IROFS..." seems to be putting the cart before the horse. The NRC reviewer should be directed to first examine the accident sequence identification and analysis, the mitigated consequences and finally the adequacy of proposed preventive or mitigative measures (i.e. IROFS). The logic of the reviewer's examination sequence -- including the need to examine unmitigated accident consequences -- requires revision.

Some additional areas that require correction:

- the statement in §5.3, ¶3, for example, that the ISA is submitted to the NRC is incorrect ("*...the results of the ISA includes all of the ISA information that the applicant submits to the NRC...*"). This information is retained at the facility site, while the ISA Summary is placed on the docket.
- the SRP somewhat coordinates the reviews of the ISA (Chapter 5) and specific topic reviews (radiation safety, fire safety, etc.) so as to minimize duplicate and repetitious expenditures of resources. However, certain SRP chapters still appear to direct duplicate reviews of the same material.
- Appendix A ('*Example Procedure for Risk Evaluation*') is incorrectly referred to in §5.4.2 as a '*sample ISA Summary*'. It is a sample approach for risk evaluation and is not an ISA Summary. (As we noted in our comments on draft NUREG-1520, NEI recommends that this Appendix be incorporated into NUREG-1513).

Clarification of the use of the ISA and ISA Summary in the licensing process, the content of each and procedures to coordinate reviews of individual safety programs within the framework of the ISA are warranted.

#### (iv) *Chemical Safety*

Imprecise language in draft SRP Chapter 8 ('*Chemical Safety*') could be construed to broaden NRC jurisdiction to include all hazardous chemicals at a MOX facility. This confusion was rectified in NUREG-1520 through use of the term "*...hazardous chemicals produced from licensed material...*" to distinguish from other chemicals subject to OSHA regulation. For example,

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in the discussion of Chemical Accident Consequences in §8.3, the last part of the sentence could be rewritten to read "...*identified in the ISA that involve licensed materials or hazardous chemicals produced from licensed materials...*" or "*identified in the ISA that involve licensed materials or any associated hazardous chemicals directly incident thereto...*".

Process Safety Information is one of the three components of a licensee safety program, but §8.4.3.5, although entitled 'Process Safety Information', does not address this subject as defined in 10 CFR 70.62(b). This section, which appears instead to discuss items relied on for safety used in chemical accident sequences, should be re-titled.

#### (v) *Prescriptiveness*

There are many examples of unnecessary prescriptiveness in the SRP. Seven examples are noted below:

- *education and qualifications*: the SRP specifies detailed qualification standards in several safety programs (e.g. §9.2.4.2.3, §15.4.4.3(I)). Establishment of educational standards and qualifications should remain the prerogative of the licensee subject to the provision that plant personnel have the knowledge and skills needed to perform any activity that is important to, or relied upon for, safety that are identified in the ISA Summary.
- *criticality oversight*: the SRP mandates weekly NCS walkthroughs and quarterly NCS audits without consideration of the results of the ISA (§6.4.3.2(b)). The ISA safety assessment should establish this inspection frequency.
- *nuclear reactor programs*: the guidance imposes many programs that are used in the licensing of nuclear power plants. For example, human-systems interface analysis (§12.3) and systems approach to training (§12.4.3(H)) are established as the basic acceptance criteria. These analyses may be appropriate to nuclear power reactors, but not necessarily to MOX fuel fabrication facilities, unless dictated by the ISA.
- *safety committees*: the SRP frequently directs the applicant to establish diverse safety committees such as the ALARA Committee, (§9.2.4.1.3) and the Human Factors Engineering (§12.4.3(B)(ii)). Having several plant committees with overlapping responsibilities all dealing with safety-related issues does not constitute an effective use of licensee safety resources. A single 'Safety Committee' may be all that is appropriate.
- *investigative teams*: the SRP also directs establishment of 'teams' to investigate abnormal events or unacceptable performance

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deficiencies and establish their root cause(s). Mandatory use of 'teams' is too prescriptive. Based upon the severity or complexity of the event, an individual may be all that is needed to conduct the evaluation.

- program design: the SRP often prescribes actions that should be established by the ISA. For example, the design of the air sampling program (§9.2.4.5.2) should be based upon the results of the ISA (e.g. reflecting where licensed materials are handled or where occupational exposures could be expected). The environmental monitoring program (§10.4.3) can only be designed with the results of the ISA in mind.
- laboratory personnel qualifications: Chapter 9 further expects a licensee to commit to a QA program that includes oversight of the qualifications of laboratory personnel. If the licensee contracts with an outside laboratory, the contractual relation should govern and the licensee should not be expected to have responsibility for the qualifications of the contracted laboratory personnel. This constitutes an unnecessarily prescriptive and unreasonable expectation and should be deleted. For an internal laboratory, as has been discussed above, establishment of educational standards and qualifications should remain the prerogative of the licensee, subject to the requirement that laboratory personnel have the knowledge and skills needed to perform any activity that is important to, or relied upon for, safety that is identified in the ISA Summary.

#### ***(vi) SRP Structure***

The approach for assessing license applicant safety programs differs significantly amongst the fifteen SRP chapters. For example, the prescriptiveness, acceptability of programmatic commitments, imposition of NRC-endorsed industry codes and standards, and reliance on reactor-type requirements differs appreciably amongst individual chapters. Certain chapters focus the reviewer's attention on license applicant commitments (Nuclear Criticality Safety), whereas others hardly reference an applicant's commitments. The suggested Safety Evaluation Report (SER) language often states (e.g. §15.4.6) that the reviewer has examined the applicant's commitments, whereas the acceptance criteria and review procedures neglect such examination. Greater uniformity should be applied to the review of individual license safety programs in terms of programmatic commitment assessment.

NUREG-1718 incorporates a new chapter -- Plant Systems (Chapter 11) -- that provides guidance to ensure "...that items relied on for safety will be

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*available and reliable to perform their intended safety function when needed...*". The stated purpose of this chapter is the verbatim definition of 'management measures', all of which are discussed in draft SRP Chapter 15. Chapter 11 appears, therefore, to be totally redundant. The expectations are overly prescriptive and far exceed the design basis criteria of 10 CFR 70.64(a). Additionally, the information sought in this chapter is more appropriate for inclusion in the ISA Summary rather than in the license application. Many topics discussed in the chapter are addressed in other SRP chapters and need not be repeated here. Some information is new (design criteria for pumps, cooling water, electrical) and may be applicable in assessing the design bases of the facility, but it clearly does not fall within the purview of this chapter. NEI recommends deletion of Chapter 11 from the draft SRP.

Similarly, the need for a separate chapter that applies to human activities relied on for safety (administrative controls) in Chapter 12 is unclear. 'Human factors' is no longer mentioned in 10 CFR 70 and was also deleted from earlier drafts of NUREG-1520. The inherent prescriptiveness of a human factors program, the appreciably lower risks of fuel cycle facilities compared to nuclear power reactors and the difficulty of incorporating this topic within the risk-informed, performance-based regulatory framework all support omission of Chapter 12 from the SRP. Specification of a systems approach to training and establishment of human factors engineering teams to ensure the reliability of administrative controls is unnecessarily prescriptive. Discussion of management measures applicable to administrative controls, which is more thoroughly discussed in draft SRP Chapter 15, is redundant and unnecessary. There is no useful guidance in Chapter 12 and it should, therefore be deleted from the SRP.

Separate chapters of the SRP often solicit background information of a general nature (e.g. facility or site description, process information, licensed activity description) that has been presented in other chapters. While some SRP chapters do permit the license applicant to cross-reference such information (e.g. §8.3), others do not (§14.4.3.1.1). The SRP should be consistent throughout and allow such cross-referencing of information.

### **(vii) Management Measures**

The presentation of management measures in NUREG-1718 represents an improvement on the equivalent chapter in NUREG-1520. However, there remain many prescriptive, programmatic criteria without a specific basis in 10 CFR 70 and that should not become *de facto* regulatory requirements. We are concerned that SRP acceptance criteria may over time become the minimum standards ('lowest rung on the ladder'). Several new programmatic

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expectations patterned after those for nuclear power reactors are introduced, including, for example, application of a full performance-based '*systematic approach to training*.' Such a level of comprehensive and exhaustive training may not be appropriate for a MOX fuel fabrication facility. Many of the acceptance criteria for the Training and Qualification management measure are taken directly out of the SAT guidance manual.

The Training and Qualification management measure (§15.4) introduces a new programmatic expectation by specifying SAT as the standard or 'base case' against which a licensee's training program will be judged. There is no requirement in 10 CFR 70 that mandates such a comprehensive level of staff training. Imposition of SAT criteria for nuclear power plant operators is required by a specific regulation (10 CFR 50.120) which establishes SAT as a formal regulatory requirement for certain designated categories of personnel. Draft SRP Chapter 15.4 attempts to set a new and higher standard for performance (SAT) in the absence of a corresponding 10 CFR 70 regulation and before the results of an ISA demonstrate the need for that level of performance. Risk-informed, performance-based regulation grants a licensee the latitude to establish the content, detail and comprehensiveness of its staff training and qualification program. The scope of the program will be established based upon the results of the ISA and specifically, the graded level of risk associated with each operator task and the appropriate level of responsibility. If the ISA indicates a need for enhanced training of certain operators (i.e. an unacceptable performance deficiency exposed by the ISA), due to the licensee's reliance on actions by those operators to prevent excessive radiation exposures, the licensee will determine the most appropriate way to address the training needs (e.g. increase the frequency of operator training, expand the content of the training, impose new qualification requirements). Such actions may be adequate and effective in addressing the identified vulnerability in the context of the licensee's existing training program. Extreme caution should be taken in referencing NUREG-1220, a regulatory guidance document created for nuclear power plant licensees, as the basic regulatory reference for a MOX fuel fabrication plant (§15.4.4.2).

The Audits and Assessments chapter (§15.6) requires considerable revision. The purpose of the chapter (§15.6.1) is incompletely stated. It fails to distinguish between an audit (*to monitor compliance with regulatory requirements and license commitments*) and an assessment (*to determine the effectiveness of management measures to provide reasonable assurance of the availability and reliability of IROFS when required to perform their intended safety functions.*) and provides no clarity on the meaning of the phrase "*...reasonable assurance that an adequate level of protection will be maintained at the facility.*" Footnote 1 (p. 15.6-1) is incorrect. Audits and

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assessments are not performed solely to assess "...implementation effectiveness of QA...." The prescriptive measures on how audits and assessments should be conducted is unnecessary. This footnote should be removed. The acceptance criteria of §15.6.4.3 are too prescriptive (e.g. (vii), (ix)), often repetitive, and they incorporate language from Part 50 (e.g.(i)) that is only appropriate for nuclear reactors. Much terminology in §15.6 is confusing: references to the "quality" of IROFS, the need for audits and assessments to "...[determine] reasonable assurance that the audits and assessments will provide additional assurance that IROFS will perform..." (§15.6.5.2).

The Incident Investigations chapter (§15.7) reads well, although as we noted earlier, the expectation for using 'teams' to investigate plant abnormal conditions or unacceptable performance deficiencies is unnecessarily prescriptive. 'Teams' should simply be replaced by 'personnel.' NEI recommends that the purpose of corrective action investigations not be limited to root cause investigation, but rather '*investigation of root cause(s) and generic implications.*' To be consistent with terminology used in the Regulatory Oversight Program for Part 70 licensees, NEI recommends that Chapter 15.7 be re-named '*Corrective Action Plan*' or '*Incident Investigation and Corrective Action Plan.*'

### **(viii) Regulation Interpretation**

Several inaccuracies have been identified in referencing provisions in the proposed 10 CFR 70 revisions. For example, the SRP often directs the reviewer to assess the applicant's graded approach in the safety program, when such grading is, in fact, optional (70.62(a)). The discussion of unshielded nuclear criticality accident sequences in §5.4.3.2 appears to permit exemptions to the double contingency principle; these statements are in conflict with 10 CFR 70.64(a)(9) which states that adherence to the double contingency principle is mandated. The occupational radiation design guidance in Chapter 9.1 seeks estimation of potential radiological consequences (i.e. exposures) to workers under accident conditions (§9.1.4.6.3). Such criteria have never been established for workers at NRC licensed facilities (with the exception of operators under certain defined conditions), in part because of the difficulty in calculating such doses. 10 CFR 70 does not require such estimates and the SRP must not impose this.

The SRP contains numerous references to ALARA, generally in the context of setting 'ALARA goals' for some performance standard. ALARA is a philosophy of excellence that is applied by a licensee to a facility's operations to ensure compliance with regulatory performance objectives. Its use in the

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SRP should be corrected to convey this meaning and to discourage any attempt to assign numerical values as an 'ALARA goal.'

The radiation safety regulatory acceptance criteria of §10.4.3 make no reference to the performance requirements of 10 CFR 70.61; this omission should be corrected. There is no regulatory basis in 10 CFR 70 that mandates setting of 'action levels' that must cause the plant to be shut down as is proposed in §10.4.3(B)(i)(i) and (ii)(f). Exceeding a regulatory limit or performance requirement constitutes one legal basis that can be used by regulators to cite and possibly shut down a facility operation. However, exceeding an 'action level' that has no regulatory basis can not be used is grounds for cessation of operations.

There are several requirements in draft SRP Chapter 14 ('Emergency Management') that exceed the regulatory requirements of 10 CFR 70. The SRP specifies that the license applicant to develop "...*an adequate training program for onsite and offsite emergency response personnel...*" (§14.4.3.2.11). The requirement in 10 CFR 70.22(I)(3)(x) for the licensee to offer "...*special instructions and orientation tours...to fire, police, medical and other emergency personnel...*" does not imply formal training such as that which will be offered to facility workers. Orientation and familiarization does not equate to formal training. Similarly, §14.4.3.2.14(D) states that offsite response organizations must review and comment on changes to the emergency plan. This will be very time-consuming, especially since approval changes from the NRC now require 6-12 months. Again, 10 CFR 70 does not require offsite agency review or comment on changes to the emergency plan as it does for the initial emergency plan. NEI supports continuation of the current policy whereby licensees can make changes to the emergency plan (and under 10 CFR 70.72) that do not impair its effectiveness and that offsite response organizations only be informed of such changes. Bringing in all offsite organizations will greatly lengthen the approval process without adding to safety enhancement.