65FR# 24231
25 Apr 00
(14)

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Received
19 June 2000
3:11pm

June 15, 2000

Rules and Directives Branch
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555-0001

SUBJECT: Industry Comments on Draft Regulatory Guide 1093, *Guidance and Examples for Identifying 10 CFR 50.2 Design Bases* (65 Fed. Reg. 19798 – April 12, 2000)

PROJECT NUMBER: 689

The Nuclear Energy Institute[1] is pleased to provide this response to the subject *Federal Register* notice soliciting public comments on Draft Regulatory Guide 1093.

The preliminary NRC endorsement of revised Appendix B to NEI 97-04, *Guidance and Examples for Identifying 10 CFR 50.2 Design Bases*, reflects the intensive efforts by industry and NRC staff to establish a durable, common understanding of a fundamental regulatory term.

DG-1093 identified the following two regulatory positions as minor clarifications of the proposed industry guidance:

Regulatory Position 1.1 on Defense-in-Depth:

> The staff considers aspects of the designed defense-in-depth strategies like redundancy, diversity, and independence to be important aspects of the plant's principal design criteria, as specifically required by several regulations, especially the General Design Criteria. These criteria require that defense-in-depth strategies are then implemented for individual SSCs through plant design features, such as multiple components, independent

[1] NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI 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.

E-RIDS=ADM-03

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power supplies, and physical separation. These criteria provide part of the standard for judging the adequacy of the plant's design bases.

Industry Response

This regulatory position is consistent with the philosophy and intent of the industry guidance as reflected in the general guidance on 10 CFR 50.2 design bases, discussion of topical design bases requirements, and the examples provided. As such, we do not propose further modification of the guidance in this regard.

Regulatory Position 1.2 on Relationship of 10 CFR 50.2 Design Bases to UFSARs:

The staff wants to ensure that the language in Appendix B to NE 97-04 is interpreted in a manner consistent with that of other sections. Specifically, the staff believes that the design bases for a plant may change as a result of new NRC requirements as well as licensee changes to ensure compliance with NRC requirements. In addition, the staff believes design values such as pressure or temperature are considered to be supporting design information unless they are associated with a design function.

Industry Response

- We agree with the NRC staff position concerning the genesis of design bases changes.

- Concerning the additional point, we agree that design values such as system pressure or temperature may constitute design bases values if they coincide with a design bases function. This is discussed in the industry guidance under "Relationship of 10 CFR 50.2 Design Bases to SSC Design Requirements and Other Design Information." Fission product barriers typify cases where design values coincide with design bases functions. For example, the design pressure of the containment is a controlling parameter for its design basis function as a fission product barrier that is credited in the safety analyses.

To clarify the guidance on these points, we have modified the first paragraph under "Relationship of 10 CFR 50.2 Design Bases to UFSARs" so that it now reads as follows:

> The original FSAR, including the 10 CFR 50.2 design bases presented therein in accordance with 10 CFR 50.34(b), was reviewed by the NRC in connection with granting the original license. 10 CFR 50.2 design

should be updated in accord with 10 CFR 50.71(e) and NEI 98-03 to reflect new or modified design bases. In conjunction with NEI 98-03, this guidance may be used to support UFSAR updates to reflect new or modified design bases going forward. However, this guidance is not intended to be used to judge the completeness of existing 10 CFR 50.2 design bases in the UFSAR or as the basis for adding or removing detail to/from the existing design bases in the UFSAR. 10 CFR 50.34(b)(2) requires the FSAR to include a description of structures, systems, and components "...sufficient to permit understanding of the system designs and their relationship to safety evaluations." Thus, design ~~values~~ information beyond that considered design bases (i.e., supporting design information) is ~~such as system design pressure and temperature are~~ required to be in the UFSAR~~and are considered supporting design information~~.

We are pleased that we have come to closure on issues surrounding the interpretation of 10 CFR 50.2 design bases. The common understanding achieved, together with parallel changes to 10 CFR 50.72 and 50.73, will greatly improve the clarity and efficiency of several affected regulatory processes including reportability determinations, 10 CFR 50.59 evaluations, FSAR updates, the inspection process, and the proper characterization of design discrepancies.

At an appropriate time, we would be pleased to meet with the NRC staff to discuss the proposed changes outlined above to the industry guidance on design bases as well as other public comments received in response to the subject FRN, if any. Based on consideration of comments by others and discussion with the staff, we intend to submit revised design bases guidance for NRC endorsement in a final regulatory guide.

If you have any questions concerning these comments, please contact me at 202-739-8081, or Russ Bell at 202-739-8087.

Sincerely,

Anthony R. Pietrangelo

c: Eileen McKenna, NRC/NRR