

Overall, Generic NRC Questions on NEI Comments

1. Commitments and Performance Indicators:

NEI Comments:

- section 3, "...rename chapter *Integrated Safety Analysis (ISA) Commitments and ISA Summary...*"
- section 3, "...the review should focus on an assessment of an applicant's commitments and proposed performance indicators and not on specific details outlining how a particular performance goal will be met..."
- section 3, "...the review is structured into two sections: Section 1: Commitments..."
- section 4, "...Chapter 4 should be revised to focus on review of an applicant's license commitments and proposed performance requirements..."

NRC Questions:

It appears that NEI is suggesting that NRC should review a licensee's commitments and certain unspecified performance indicators in order to reach its safety conclusion. The overall conclusions that NRC must make are that the performance requirements are satisfied and any items relied on for safety are adequate and will be available and reliable when needed. The staff must also be assured that the ISA was performed correctly since the ISA is the foundation on which the staff's overall conclusions are based. Does NEI suggest that NRC reach its safety conclusions on the basis of commitments and performance indicators? If so, what is the nature of the performance indicators to be used and what conclusions are to be drawn based on those indicators?

2. ISA vs. ISA summary

NEI Comments:

- page G-1 (NEI letter of 7/16/99), "...state what documents the reviewer is to examine (ISA summary), which need only be consulted (ISA and supporting documentation) and which..."
- page G-4, "...the ISA...does not require approval by the staff..."
- page G-5, "...Chapter 3 should be renamed and totally revised to focus on the ISA summary rather than on the ISA..."
- section 3.1, "...the ISA...requires neither assessment nor approval by the reviewer..."

NRC Questions:

It appears that NEI is suggesting that NRC review only the ISA summary, not the ISA. While the ISA summary is to be the starting point for the staff review, it was never suggested by the staff that the staff review be limited to the ISA summary, nor was it suggested that the ISA summary not be part of the license application. The only agreements regarding the ISA were that it would not be submitted and it would not be in the license. NRC must still conclude that the ISA was performed correctly and may review the ISA to the extent needed to reach that conclusion. The staff review will be most efficient, effective, and least cost to all if the ISA Summary contains the

information needed at the start of the review. How does NEI see the conduct of the review of the ISA Summary as related to the review of portions of the ISA?

3. Acceptance Criteria:

NEI Comments:

- page G-7, "... It [acceptance criteria] should simply state that Section 4 contains (1) regulatory requirements (e.g. CFR citations, (2) regulatory guidance (e.g. regulatory guides, NUREG reports, industry codes and standards, branch technical positions, etc.), and (3) acceptance criteria based upon the foregoing regulatory requirements and guidance..."
- section 7, "...adherence to every provision and requirement of the standard should not be expected..."
- section 7, "...blanket adherence to an entire standard should not be expected..."

NRC Questions:

NEI appears to be suggesting that the acceptance criteria be limited to regulations, regulatory guidance documents and industry codes and standards. The purpose of the acceptance criteria in the SRP is to describe, in as much detail as the staff believes is necessary, the criteria that the staff will use to assess acceptability. To the extent that a code or standard is acceptable, it will be reflected in the appropriate section of the SRP. Criteria in industry standards are sometimes described in "should" statements rather than "shall." If an applicant makes an unqualified commitment to meet a standard, then the staff must assume that all criteria in that standard, both "shall" and "should", are committed to without exception. On the other hand, if an applicant intends to deviate in any way from a referenced standard, then the license application must clearly describe what the applicant proposes in lieu of literal compliance with the standard. Does NEI have a different understanding of this matter, and if so, what is your understanding, and why?

4. Radiation Protection:

NEI Comments:

- section 4, page 1, "...chapter 4 should be revised to clearly tie the design of the radiation program to the ISA..."
- section 4, page 2, "...the radiation protection program is designed and implemented based on the results of the ISA..."
- section 4, page 4, "...emphasize the role of the ISA (as presented in the ISA summary) as the cornerstone for designing a suitable radiation protection program..."

NRC Questions:

For clarification, 10 CFR Part 20 requirements are not superseded by the revised Part 70. Part 70 is aimed at accidents whereas Part 20 is occupational. While the ISA can help to develop radiation protection plans, Part 20 requirements must still be met. Is NEI suggesting that the radiation protection program to satisfy Part 20 be driven by the ISA?

5. For clarification, 10 CFR 70.65 is entitled “additional content of applications.” Other requirements describing content of applications (e.g. 10CFR70.22, content of applications), still apply.

6. Qualitative versus Quantitative

NEI Comments:

- section 6, “...NRC has previously stated on numerous occasions that the use of quantitative analysis (such as Probabilistic Risk Assessment) is inappropriate for fuel cycle facilities...”

NRC Question:

NRC does not require a PRA but quantitative analyses, if performed properly, are acceptable and often highly useful. Further, analytical tools associated with PRA such as fault trees or other logic diagrams, can provide essential understanding of the risk of operating redundant or diverse, single failure proof control systems, without any quantitative analysis at all. Although NRC does not require a quantitative PRA for fuel cycle facilities, limited quantitative aspects may need to be assessed to conclude that the performance requirements of the rule are met. How does NEI see that numerical performance requirements of the rule can be demonstrated without bringing in some element of quantification?