NRC Responses to Public Comments on Draft Regulatory Guide DG-1166 (Proposed Revision 3 of Regulatory Guide 1.68), "Initial Test Programs for Water-Cooled Nuclear Power Plants"

The following public comments were provided by the Nuclear Energy Institute (NEI) on December 15, 2006. No other comments were received from the public.

Comment 1 (pertaining to Section A of draft RG 1.68)

NEI states that the 8th paragraph of Section A refers to both Part 50 and Part 52 but references only RG 1.70. NEI suggested that this section should also reference DG-1145 (or RG 1.206 once it is issued), or alternatively, the references to Part 52 and combined licenses should be in the 10th paragraph.

NRC Disposition of Comment

The staff added the following bold text to the 8th paragraph of Section A of the draft RG: "Chapter 14 of Regulatory Guide 1.70, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," **and Section C.1.14 of Regulatory Guide 1.206, "Combined License Applications for Nuclear Power Plants (LWR Edition)," provide** guidance on the information pertaining to ITPs to be included in both the preliminary safety analysis report (PSAR) and the FSAR for the NRC staff to perform its safety evaluations for construction permits, operating licenses and combined licenses."

Comment 2 (pertaining to Section C.2 of draft RG 1.68)

NEI states that the following sentence in Section C.2 should have a clear reference to the Part 50 licensing process: "Tests designated in the FSAR as pre-operational tests should be completed and the results of such tests should be evaluated and approved by the applicant prior to issuance of the Operating License."

NRC Disposition of Comment

The staff added the following bold text into Section C.2 of the draft RG: "Tests designated in the FSAR as pre-operational tests should be completed and the results of such tests should be evaluated and approved by the applicant prior to issuance of the **Part 50** Operating License."

Comment 3 (pertaining to Section C.2 of draft RG 1.68)

NEI states that the reference to Section 52.103 in the following sentence does not require completion of the pre-operational testing prior to fuel loading: "C.2 states "In accordance with 10 CFR 52.103, "Operation Under a Combined License," the COL holder must complete the pre-operational tests and verify that any ITAAC associated with these tests have been met prior to initial fuel load."

NRC Disposition of Comment

The staff added the following bold text into Section C.2 of the draft RG: "In accordance with 10 CFR 52.103, "Operation Under a Combined License," the COL holder must **fulfill the acceptance criteria identified in the license associated with initial plant testing** prior to initial fuel load."

Comment 4 (pertaining to Section C.4 of draft RG 1.68)

NEI states that the last paragraph of Section C.4 requires a minor editorial modification.

NRC Disposition of Comment

The staff added the following bold text into the last paragraph of Section C.4 of the draft RG: "Prior to commencement of fuel loading, results **of** completed pre-operational tests should be evaluated by personnel or groups designated by the applicant."

Comment 5 (pertaining to Section C.5 of draft RG 1.68)

NEI states that the time frames in the following sentence of Section C.5 should be provided as guidelines or typical times, but should not be identified as "minimums," since multiple years of operating experience is likely to reduce the time periods necessary for the ITP: "The applicant's schedules for conducting the pre-operational phase and the initial startup phase should provide for a minimum time of approximately 9 months and 3 months, respectively."

NRC Disposition of Comment

The staff added the following bold text into Section C.5 of the draft RG: "**Previous** applicant's schedules for conducting the pre-operational phase and the initial startup phase **have typically provided** for a minimum time of approximately 9 months and 3 months, respectively. **Significantly shorter time periods should be justified."**

Comment 6 (pertaining to Appendix A of draft RG 1.68)

NEI states that it is not clear why only Appendices A and D are identified in the first paragraph of Appendix A. Is there an implication that the ITPs of the System 80+ and AP600 were not accepted? Similarly, Paragraph 6 of Appendix A also discusses only the ABWR and AP1000.

NRC Disposition of Comment

The staff added the following bold text into the first paragraph of Appendix A of the draft RG: "The staff accepted the ITPs for certified designs referenced under **the applicable appendix to** 10 CFR Part 52." The staff also added the following text into the second and third paragraphs of Section 6 of Appendix A: "For **example**, the staff accepted the ITP proposed by the **ABWR** applicant"..... and for the third paragraph, "**Another example relates to** the AP1000 standard design, **where** the staff"....

Comment 7 (pertaining to Appendix B of draft RG 1.68)

The third paragraph of Appendix B states, “Drafts of these procedures should be made available as early as practical.” NEI states that licensees will be very hesitant to make draft procedures available to NRC such that they will be automatically made available to the public, i.e., as “submitted” documents.

NRC Disposition of Comment

The staff deleted the following bold text in the third paragraph of Appendix A of the draft RG: **"Drafts of these procedures should be made available as early as practical."**

Comment 8 (pertaining to Appendix B of draft RG 1.68)

NEI states that the phrase added at the end of the sentence in paragraph 3(1) of Appendix B, ...”and in the CIP for new plants licensed in accordance with the requirements of 10 CFR Part 52,” does not make sense in that it does not understandably combine with the subject and verb of the sentence.

NRC Disposition of Comment

The staff deleted the added phrase, **”and in the CIP for new plants licensed in accordance with the requirements of 10 CFR Part 52.”**

Comment 9 (pertaining to Appendix C of draft RG 1.68)

NEI states that 8 hour source checks, discussed in Section 2.A(6) of Appendix C, are inconsistent with many Technical Specification surveillance frequencies and are likely to be the source of a consistent deviation from the draft RG.

NRC Disposition of Comment

The staff added the following bold text into Section 2.A(6) of Appendix C: “A response check of nuclear instruments to a neutron source should be required within **N** hours prior to loading (or resumption of loading, if delayed for **N** hours or more), **where N is consistent with the Technical Specification surveillance frequency for source range nuclear instruments in the refueling mode, typically 8 or 12 hours.”**