



NUCLEAR ENERGY INSTITUTE

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June 26, 2009

Mr. Bruce P. Lin
Rulemaking, Directives Branch
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Comments on Draft Regulatory Guide DG-1220, "Performance-Based Containment Leak-Test Program."

Project Number: 689

Dear Mr. Lin:

On March 20, 2009, a Federal Register Notice was issued to request public comments on draft Regulatory Guide DG-1220, "Performance-Based Containment Leak-Test Program". The proposed DG-1220 was issued to endorse NEI Technical Report 94-01, Revision 2-A, "Industry Guideline for Implementing the Performance-Based Option of 10 CFR Part 50, Appendix J". The NEI document includes provisions for extending the performance-based Type A test interval to 15 years using a risk-informed regulatory approach.

NEI has only one comment on DG-1220. Our comment concerns the grace period for testing Type C components. Since the comment affects the NEI Technical Report which the DG is endorsing, should the comment be accepted, it will be incorporated into NEI Technical Report 94-01, Revision 2-A and issued as Supplement 1. The comment and rationale for the change to NEI 94-01, Revision 2-A is as follows:

Section 10.1, last paragraph:

(The text quoted below comes from NEI 94-01 revision 2-A. Deletions of the current revision are in strikethrough and insertions are underlined)

For Type B test intervals of up to 120 months, the recommended surveillance interval may be extended for up to 25 percent, not to exceed nine months Consistent with standard Technical Specifications Required Surveillances scheduling practices. ~~of up to 60 120 months for the recommended surveillance frequency for Type B and Type C testing given in this section may be extended by up to 25 percent of the test interval, not to exceed nine months.~~

For Type C test intervals of up to 60 months, the recommended surveillance interval may be extended for up to 25 percent, not to exceed fifteen months consistent with standard Technical Specifications Required Surveillances scheduling practices. This extension may only be applied provided the extended interval Type C tests are performed on a staggered test basis (as defined in Technical Specifications).

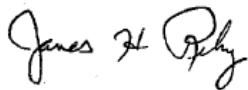
The changes to the "Type C" test requirements included in the above paragraphs correct a change incorporated in the current revision to NEI 94-01. Restricting extensions to type C testing from 15 months to less than 9 months would result in plants with 24-month fuel cycles having to complete the tests every two cycles instead of every three cycles. The change to a 9-month extension limit does not have a technical basis and would result in an overly restrictive requirement that may preclude 24-month fuel cycle plants from utilizing NEI 94-01.

The addition of the last sentence in the second paragraph above precludes performing all the tests during a single outage. A staggered test basis, as defined by standard Technical Specifications, requires testing of approximately equal numbers of the test population during each outage.

NEI requests that the DG issuance be delayed to allow it to reference the NEI 94-01 supplement and associated NRC safety evaluation, should it be accepted by NRC. NEI is in the process of preparing the NEI 94-01 supplement and will submit it to NRC for approval in a separate letter.

If you have any questions, please feel free to contact me at 202-739-8137; jhr@nei.org or Julie Keys at 202-739-8128; jyk@nei.org.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Riley". The signature is fluid and cursive, with the first name "James" and last name "Riley" clearly distinguishable.

James H. Riley

c: Ms. Tanya M. Mensha, NRR/ADRO/DPR/PSP, NRC
Ms. Stacey L. Rosenberg, NRR/ADRO/DPR/PSP, NRC
NRC Document Control Desk