



NUCLEAR ENERGY INSTITUTE

6/15/2010
75 FR 33853

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DIRECTOR
ENGINEERING & OPERATIONS SUPPORT
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August 13, 2010

Ms. Cynthia K. Bladey
Chief, Rules, Announcements, and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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Subject: Comments on Draft Regulatory Guide, DG-1240, "Condition Monitoring Program for Electric Cables Used in Nuclear Power Plants." (*Federal Register* of June ~~10~~¹⁵, 2010, 75 FR 33853)
Docket ID NRC-2010-0202

Project Number: 689

Dear Ms. Bladey:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ submits comments on the subject draft Regulatory Guide (DG). For reasons discussed in this letter, we recommend that DG-1240 be withdrawn.

DG-1240 is Unnecessary and Inconsistent with 10 CFR 50.65 (Maintenance Rule)

Paragraph (a)(1) of 10 CFR 50.65 (Maintenance Rule), states that "Each holder of an operating license for a nuclear power plant...shall monitor the performance or condition of structures, systems, or components...in a manner sufficient to provide reasonable assurance that these structures, systems, and components...are capable of fulfilling their intended functions." The industry implements this requirement through the use of Regulatory Guide 1.160, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," which endorses NUMARC 93-01 "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants." The approach to Maintenance Rule implementation provided in RG 1.160 and NUMARC 93-01 is well understood by both industry and NRC and has been successfully implemented for nearly two decades.

¹ 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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Call = R.A. Jarvey (RAJ)
M. Case (MJC)

Contrary to the Maintenance Rule and approved implementation guidance, DG-1240 establishes a new position relative to condition monitoring for electric cables and concludes that "it is necessary to monitor the condition of electric cables throughout their installed life through the implementation of a cable condition monitoring program."² This degree of component-level monitoring of electric cables is not required under the Maintenance Rule.

The industry should continue to address electric cables primarily through monitoring the performance of the trains and systems that they service pursuant to 10 CFR 50.65(a)(2) or through monitoring of plant-level performance where appropriate. This approach is supported by Regulatory Guide 1.160, which states:

*Some monitoring at the component level may be necessary; however, it is envisioned that most of the monitoring could be done at the plant, system, or train level. SSC's with high safety significance and standby SSC's with low safety significance should be monitored at the system or train level. Except as noted in the Regulatory Position of this guide, normally operating SSCs with low safety significance may be monitored through plant-level performance criteria, including unplanned scrams, safety system actuations, or unplanned capability loss factors.*³

In DG-1240, the NRC staff proposes to modify this position by asserting that a comprehensive, component-level monitoring program is necessary in order to achieve compliance with the Maintenance Rule. Indeed, most of DG-1240 is devoted to describing the attributes of a cable monitoring program that the NRC staff would find acceptable under its modified interpretation of the Maintenance Rule. Such an explicit directive, coupled with detailed implementation direction, is inconsistent with the performance based intent of the Maintenance Rule.

The New Position Articulated in DG-1240 Should Have Been Analyzed as a Backfit

Our recommended course of action is for DG-1240 to be withdrawn from further consideration. However, should the NRC continue to pursue its issuance, it is imperative that the staff appropriately address the agency's obligations under 10 CFR 50.109 (i.e., Backfit Rule). As articulated in a July 14, 2010 letter to NEI by the NRC Office of General Counsel⁴,

...NRC staff "guidance" must be subject to the Backfit Rule if either: (i) the NRC staff intends the positions presented in the proposed interpretive guidance become (through further NRC action) legally binding upon a licensee; or (ii) the NRC staff's expectation that the licensees "voluntarily" adopt the "guidance" constitutes the basis (or a part of the bases) for resolution of a safety or regulatory issue. In these limited circumstances, the NRC's policy is that compliance with the Backfit Rule's provisions should not await the imposition of "guidance," but should be addressed as part of the preparation and issuance of such "guidance".

² Draft Guide-1240, at 3.

³ Reg. Guide 1.160, at 3.

⁴ Letter, Stephen G. Burns to Ellen C. Ginsberg, July 14, 2010

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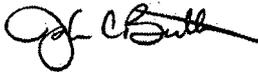
Thus, consistent with the guidance provided in OGC's July 14 letter, DG-1240 should have been analyzed as a backfit and such analysis provided for public comment with DG-1240.

The Stated Objective of DG-1240 is Better Met Through Available Alternative Means

The "regulatory analysis"⁵ associated with DG-1240 states that "[t]he objective of this regulatory action is to identify acceptable condition monitoring techniques for electrical cables". This objective is accomplished with existing inspection and surveillance programs. Moreover, recently issued industry guidance documents⁶ provide specific guidance on appropriate cable assessment techniques and test methods. The industry guidance documents will be periodically updated to reflect advancements in cable managing techniques and thus provide an ongoing, up-to-date resource for industry use.

In summary, we recommend that DG-1240 be withdrawn. If you have any questions, please feel free to contact me at (202) 739-8108; jcb@nei.org or Gordon Clepton at (202) 739-8086; gac@nei.org.

Sincerely,



John C. Butler

⁵ DG-1240 Regulatory Analysis (ADAMS Accession Number ML101530476)

⁶ EPRI 1020804, "Aging Management Program Development Guidance for AC and DC Low-Voltage Power Cable Systems for Nuclear Power Plants," 2010; EPRI 1020805, "Aging Management Program Development Guidance for Medium-Voltage Cable Systems for Nuclear Power Plants," 2010