

Parks, Jazel

From: Bayssie, Mekonen
Sent: Tuesday, June 08, 2010 3:08 PM
To: Lin, Bruce
Subject: RE: Staff's Backfitting intentions for Regulatory Guides 1.11, 1.47, and DG 1242

Bruce,

Thanks.

Mekonen

From: Lin, Bruce
Sent: Tuesday, June 08, 2010 3:01 PM
To: Bayssie, Mekonen
Cc: Burke, John
Subject: FW: Staff's Backfitting intentions for Regulatory Guides 1.11, 1.47, and DG 1242

Mekonen,

Forgot to copy you on this.

Bruce

From: Lin, Bruce
Sent: Tuesday, June 08, 2010 8:22 AM
To: Mizuno, Geary; Bettel, Jerome; Sturzebecher, Karl
Cc: Valentin, Andrea; Jervey, Richard
Subject: RE: Staff's Backfitting intentions for Regulatory Guides 1.11, 1.47, and DG 1242

Geary,

I agree that the text in red reflects the staff's position for DG-1242.

Bruce Lin
Mechanical Engineer
Office of Nuclear Regulatory Research
301-251-7653
bruce.lin@nrc.gov

From: Mizuno, Geary
Sent: Monday, June 07, 2010 10:26 AM
To: Bettel, Jerome; Lin, Bruce; Sturzebecher, Karl
Cc: Valentin, Andrea; Jervey, Richard
Subject: Staff's Backfitting intentions for Regulatory Guides 1.11, 1.47, and DG 1242

Colleagues:

The General Counsel has received the attached letter from NEI (in a pdf format), complaining about the NRCV's backfitting process. In particular, in footnote 9 on page 3, they raise concerns about the backfitting discussion for DG-1242 (Coatings); RG 1.11, Rev. 1 (Instrument Lines Penetrating Containment); and RG 1.47 (Bypassed and Inoperable Status Indication). The essence of the argument ((see ffirst paragraph of p4 of the

NEI letter) is that the NRC staff seems to be taking the position that, until a backfit - first expressed in a regulatory guide - is actually imposed, no backfit analysis need be performed.

I am preparing a response to the NEI document, which we wish to get out expeditiously. I have prepared the attached draft response (Word file). In response to the NEI complaint on this matter, I would like to say the following:

The backfitting discussions for the three regulatory guides cited in your letter (p. 3, footnote 9) are consistent with the discussion on "forward fit" regulatory guides. The staff has advised us that they do not intend to impose the positions in these three regulatory guides on any current nuclear power plant licensee in the absence of a voluntary request to change their licensing basis that directly implicates the safety issues addressed in the regulatory guides.

Can you please confirm that the text in red above correctly reflects the staff's position and practice. Please note, that if this is *not* the case, OGC would tend to agree with NEI in that the staff is not following the CRGR's direction on "guidance" likely to result (or effectively constituting) backfitting.

Please provide your response (if you are in the office) by no later than COB Tuesday, June 8, 2010. Thank you for your attention to this matter. If you have any questions, please call me at 415-1639 or e-mail me.

Geary S. Mizuno