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Carl B. Corbin, Chairman  
STARS Integrated Regulatory Affairs Group  
P.O. Box 1002, Glen Rose, Texas 76043

STARS - 11002

76 FR 2924

March 21, 2011

14

Ms. Cindy K. Bladey  
Chief, Rules, Announcements, and Directives Branch  
Office of Administration, Mail Stop: TWB-05-B01M  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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RULES AND DIRECTIVES  
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**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)  
Comments On Draft Regulatory Issue Summary, "Adequacy  
of Station Electric Distribution System Voltages"**

- Reference:
1. Draft NRC Regulatory Issue Summary 2011-XX; "Adequacy of Station Electric Distribution System Voltages" (76 FR 2924)
  2. Letter from George Lear, USNRC, to Philadelphia Electric Company, dated June 2, 1977, RE: Peach Bottom Atomic Power Station, ADAMS Accession No. ML100610489
  3. Standard Review Plan, (SRP/NUREG-0800), PSB-1, Revision 0, "Adequacy of Station Electric Distribution System Voltages," dated July 1981 (ADAMS Accession No. ML052350520)

Dear Ms. Bladey:

The Strategic Teaming and Resource Sharing (STARS)<sup>1</sup> alliance is submitting comments in response to the referenced Federal Register notice (Ref. 1) soliciting comments on Draft NRC Regulatory Issue Summary 2011-XX; "Adequacy of Station Electric Distribution System Voltages." STARS appreciates the NRC request for comments on RIS 2011-XX.

The STARS Alliance requests that this RIS be issued as a Regulatory Guide rather than a Regulatory Issue Summary (RIS) because the RIS, as written, is contrary to the Current Licensing Basis (CLB) of many plants and is therefore subject to the backfit requirements of 10 CFR 50.109. Due to the unique nature of each plant and the associated unique CLB of each plant, a backfit analysis and evaluation of the potential negative safety impact on each plant should be performed prior to issuance of this guidance.

<sup>1</sup> STARS consists of thirteen plants at seven stations operated by Luminant Power, Ameren Missouri, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company, Arizona Public Service Company, and Southern California Edison.

SUNSI Review Complete  
Template = ADM-013

E-RIS = ADM-03  
Add = K. Miller (K9m4)

The stated intent of the RIS is to clarify the "NRC staff's technical position on existing regulatory requirements and voltage studies necessary for Degraded Voltage Relay ... setting bases and Transmission Network ... station electric power system design bases." However, the RIS does not recognize that these requirements vary from site to site based on a licensee's Current Licensing Basis. Since a RIS is not subject to backfit reviews and Regulatory Guides are, it is more appropriate to issue this guidance as a Regulatory Guide.

### **"Statement of Staff Positions Relative to Emergency Power Systems for Operating Reactors"**

RIS 2011-XX states that "the NRC required licensees to install degraded voltage protection schemes ... as described in NRC Letters dated June 2 & 3, 1977, 'Statement of Staff Positions Relative to Emergency Power Systems for Operating Reactors,' which were sent to all licensees of all operating nuclear power plants. As an example, see the NRC letter dated June 2, 1977, ADAMS Accession No. ML100610489, sent to the licensee for Peach Bottom Atomic Power Station." (Ref. 2) However, the RIS does not recognize the latitude in response allowed to each licensee:

"We request that you compare the current design of the emergency power systems at your facility(ies) with the Staff Positions stated in the enclosure and:

- (1) propose plant modifications as necessary to meet the Staff Positions, or
- (2) provide a detailed analysis which shows your facility design has equivalent capabilities and protective features.

Additionally, we require that certain technical specifications be incorporated into all facility operating licenses."

#### **Observations:**

1. The NRC letters request some actions and require some actions – specifically - a technical specification change.
2. The response makes allowance for varied responses that account for "equivalent capabilities and protective features." These varied responses become part of the licensees' Current Licensing Basis.
3. Licensees were required to change their operating license because the staff position. However, this in and of itself, does not change the licensees' Current Licensing Basis.
4. The "1977" letters apply only to addressees, i.e., plants licensed before 1977.

## **PSB-1/BTP 8-6, "Adequacy of Station Electric Distribution System Voltages"**

The technical content, with some modifications, of the "Statement of Staff Positions Relative to Emergency Power Systems for Operating Reactors" was put in the Branch Technical Position (BTP) of the Standard Review Plan (SRP/NUREG-0800), PSB-1, Revision 0, "Adequacy of Station Electric Distribution System Voltages," dated July 1981, and in the current BTP 8-6 of the SRP, Revision 3, "Adequacy of Station Electric Distribution System Voltages," dated March 2007.

### **Observations:**

1. Branch Technical Positions of NUREG-0800 are not requirements but:  
  
"represent guidelines intended to supplement the acceptance criteria established in Commission Regulations, guidelines presented in Regulatory Guides, and recommendations presented in applicable IEEE standards."
2. PSB-1 and BTP 8-6 provide subtle but significant changes to each other and to the original "Statement of Staff Positions Relative to Emergency Power Systems for Operating Reactors" (Note: these differences will be provided in a comment letter from the Nuclear Energy Institute). If the original statement of staff positions is considered a requirement, then it is contradictory to subsequent NRC guidance.
3. PSB-1 and BTP 8-6 represent guidance as committed to in a licensee's Current Licensing Basis - which, with plant specific justification, may depart from NRC guidelines, but are reviewed and approved by the NRC.

### **Conclusion**

By characterizing the new contents of RIS 2011-XX as clarifications to "the NRC staff's technical position on existing regulatory requirements," the RIS seeks to supersede the NRC reviewed and approved Current Licensing Basis for many licensees.

STARS believes that many of the "clarifications" contained in the RIS represent new requirements and staff positions subject to the backfit requirements of 10 CFR 50.109 on a case-by-case basis (i.e. licensee-by-licensee basis). Specifically, STARS supports the technical comments provided by Palo Verde Nuclear Generating Station (a STARS site) and the Nuclear Energy Institute. However, addressing the technical comments alone will not resolve the fundamental issue. A RIS is an inappropriate regulatory vehicle to supersede the Current Licensing Basis of a licensee. A possible solution would be to resolve the industry technical comments and issue the information as a Regulatory Guide. Licensees would then have the option to review the safety impact of the new guidance based on their site specific configuration and change their Current Licensing Basis to the most recent guidance.

STARS appreciates the opportunity to participate in the regulatory process and comment on the Draft RIS. If there are any questions regarding these comments, please contact me at 254-897-0121, or [carl.corbin@luminant.com](mailto:carl.corbin@luminant.com), or Jacques Vandebroek at 760-484-7556 or [Jacques.Vandebroek@sce.com](mailto:Jacques.Vandebroek@sce.com)

Sincerely,

A handwritten signature in black ink that reads "Carl B Corbin". The signature is written in a cursive style with a large, prominent "C" at the beginning.

Carl B. Corbin, Chairman  
STARS Integrated Regulatory Affairs Group