



NUCLEAR ENERGY INSTITUTE

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June 28, 2011

Ms. Cindy Bladey
Chief, Rules, Announcements and Directives Branch (RADB)
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Office of Administration
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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RULES AND DIRECTIVES

Subject: Industry Comments on Draft Interim Staff Guidance on Impacts of Construction of New Nuclear Power Plants on Operating Units at Multi-Unit Sites (ISG-22), Docket ID: NRC-2011-0031

Project Number: 689

The Nuclear Energy Institute (NEI)¹ is pleased to provide the enclosed industry comments on the subject draft Interim Staff Guidance (ISG-22).

Our efforts to compile industry comments on ISG-22 were impacted by emergent events. We recognize that we are providing these comments after the date requested by the NRC; however, we understand that comments may still be timely, and we offer the suggested clarifications for the staff's consideration.

¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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If you have any questions about the industry comments, please contact me or Kimberly Keithline (202-739-8121; kak@nei.org).

Sincerely,

A handwritten signature in black ink, appearing to read "RJB", written in a cursive style.

Russell J. Bell

Attachment

c: Mr. William Burton, U.S. Nuclear Regulatory Commission
NRC Document Control Desk

Industry Comments on ISG-22, Impact of Construction of New Nuclear Power Plants on Operating Units at Multi-Unit Sites

| ISG Section/ Paragraph/Sentence | Comment | Proposed Resolution |
|--|---|--|
| 1. Page 2, Purpose | The Purpose mentions 10 CFR 73.58, which is a change process that already has its own regulatory guidance. Since the scope of 10 CFR 73.58 is beyond the impact of construction on SSCs important to safety, the references to 10 CFR 73.58 are confusing and should be deleted from the Purpose. | Remove the references to 10 CFR 73.58. |
| 2. Page 4, First Full Sentence | This sentence references the 10 CFR 50.59 process. For completeness, this sentence should be revised to also reference the Section VIII change process in the design certification rules. | Revise this sentence as follows: "This guidance presumes that additional mechanisms such as the 10 CFR 50.59 process, <u>the Design Certification Rule Section VIII change process</u> , the Technical Specification change process..." |
| 3. Page 8, First Bullet Page 15, First Bullet | The term "construction activity identification process" is vague. | Revise this sentence as follows: "A discussion of the construction activity identification process and the impact evaluation criteria used to evaluate the construction activities that may pose potential hazards to the SSCs important to safety for operating unit(s)." |
| 4. Page 8, Second Paragraph | The bullets in this paragraph really describe information that should be included in the applicant's plan. | Revise this paragraph as follows: "COL applicants should provide the following construction impact evaluation plan <u>information</u> to demonstrate that the limiting conditions for operation of an operating unit are not exceeded in accordance with the requirements..." |

Industry Comments on ISG-22, Impact of Construction of New Nuclear Power Plants on Operating Units at Multi-Unit Sites

| ISG Section/ Paragraph/Sentence | Comment | Proposed Resolution |
|---|--|--|
| 5. Page 9, First Bullet Page 15, Last Bullet | An MOU or MOA between the COL applicant and the operating unit licensee should be required only if the companies are not the same and are not affiliated. If the COL applicant and the operating unit licensee are the same or affiliated, then the normal management structure should be sufficient to ensure adequate communication. | Revise this sentence as follows: "A memorandum of understanding or agreement (MOU or MOA) between the COL applicant and the operating unit(s) licensee (<u>unless they are the same or affiliated companies</u>) as a mechanism for communications, interactions, and coordination to manage the impact of construction activities and to manage the safety/security interface including emergency programs." |
| 6. Page 9, Second Bullet Page 16, First Bullet | An implementation schedule appears to be unnecessary. Construction schedules are already required to be provided to NRC in accordance with 10 CFR 52.99(a). This bullet should focus on licensee plans to maintain the construction impact evaluation plan. | Revise this sentence as follows: " An implementation schedule corresponding to construction tasks or milestones to ensure the plan is reviewed on a recurring basis and <u>Discussion of plans for reviewing the construction impact evaluation plan on a recurring basis and ensuring it is maintained current as construction progresses.</u> " |
| 7. Page 10, Second Full Paragraph | Ultimately, the licensee is responsible for the safety of its operating unit. A COL applicant should be able to rely upon the actions of the licensee. | Revise this paragraph as follows: "Completion of activities that are determined to be the responsibility of the operating unit(s) should not form the basis for decision making on issuance of a COL. However, the COL applicant must demonstrate that they have established an arrangement with <u>has plans to</u> integrate consideration of such activities into the planning and decision making functions of the operating unit." |

Industry Comments on ISG-22, Impact of Construction of New Nuclear Power Plants on Operating Units at Multi-Unit Sites

| ISG Section/ Paragraph/Sentence | Comment | Proposed Resolution |
|--|--|---|
| 8. Page 10, Third Full Paragraph | Change "several" to "two or more" since this paragraph applies to applicants for as few as two new nuclear power plants. | Revise this sentence as follows: "In the situation where a COL application is for construction and operation of several <u>two or more</u> new nuclear power plants on a site where an existing operating unit may or may not be located:" |