

August 20, 2013

Mr. Biff Bradley
Director, Risk Assessment
Nuclear Generation Division
Nuclear Energy Institute
1201 F Street, NW
Suite 1100
Washington, DC 20004-1218

SUBJECT: REQUEST REVISION TO TOPICAL REPORT NEI 94-01, REVISION 3-A,
"INDUSTRY GUIDELINE FOR IMPLEMENTING PERFORMANCE-BASED
OPTION OF 10 CFR PART 50, APPENDIX J"

Dear Mr. Bradley:

By letter dated December 6, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12226A546), the U.S. Nuclear Regulatory Commission (NRC) accepted the Nuclear Energy Institute (NEI) Topical Report (TR) NEI 94-01, Revision 3-A, "Industry Guideline for Implementing Performance-Based Option Of 10 CFR Part 50, Appendix J" (ADAMS Accession No. ML12221A202). At that time, the NRC staff concluded that the TR was acceptable for referencing in licensing applications for commercial nuclear power plants to the extent specified and under the limitations delineated in the NRC's safety evaluation (SE) of the TR.

The NRC based its conclusion, in part, on the NEI 94-01, Revision 3-A TR Executive Summary which notes that the TR meets the limitations and conditions of the SE for both Revision 2 and Revision 3. Revision 2-A of NEI 94-01 was issued in 2008 and included provisions for extending the Integrated Leak Rate Testing (ILRT) interval to 15 years subject to the limitations and conditions provided in the SE for Revision 2. Revision 3-A was issued in July 2012 and included guidance for extending the Type C Local Leak Rate Testing (LLRT) interval to 75 months. Type C testing ensures that individual containment isolation valves are essentially leak tight. In addition, aggregate Type C leakage rates support the leakage tightness of primary containment by minimizing potential leakage paths.

In Revision 2-A, the Executive Summary states:

This document, NEI 94-01, describes an acceptable approach for implementing the optional performance-based requirements of Option B to 10 CFR 50, Appendix J, subject to the limitations and conditions noted in Section 4.0 of the NRC Safety Evaluation Report (SER) on NEI 94-01. The NRC SER is included in the front matter of this report.

That statement was deleted in Revision 3-A, and replaced with the following:

This document, NEI-94-01, Revision 3-A describes an acceptable approach for implementing the optional performance-based requirements of Option B to 10 CFR 50, Appendix J and includes provisions for extending Type A ILRT intervals to up to fifteen years. NEI 94-01 has been endorsed by Regulatory Guide 1.163 (September 1995) and NRC Safety Evaluations of June 25, 2008 and June 8, 2012 as an acceptable methodology for complying with the provisions of Option B to 10 CFR Part 50. The regulatory positions stated in Regulatory Guide 1.163 (September 1995) as modified by NRC Safety Evaluations of June 25, 2008 and June 8, 2012 are incorporated in this document.

The NRC SE of June 8, 2012, included two limitations and conditions.

During the NRC staff evaluation and development of a revision to Regulatory Guide (RG) 1.163, "Performance-Based Containment Leak Test Program," dated September 1995, the NRC staff determined that the NEI did not in fact incorporate the Revision 2 SE limitations and conditions into the final NEI 94-01, Revision 3-A. The limitations and conditions provided in the SE for Revision 2 also apply to Revision 3.

It should be noted that the provisions of RG 1.163 (September 1995) and NEI 94-01, Revision 3-A, are not consistent, especially for test intervals. American National Standards Institute and American Nuclear Society (ANSI/ANS) 56.8-2002 are partially incorporated by reference in Revision 2-A and Revision 3-A of NEI 94-01, specifically only for techniques and methods for conducting Type A, B, and C tests.

The NRC requests that NEI 94-01, Revision 3, be updated. Revision 3 can be improved by stating that "TR NEI 94-01, Revision 3, as modified by conditions and limitations in Section 4.0 of the NRC SE for Revision 2 and in Section 4.0 of the NRC SE for Revision 3, is acceptable for referencing as the implementing document for meeting the performance-based requirements of 10 CFR 50, Appendix J - Option B."

Due to the omission of the limitations and conditions from NEI 94-01, Revision 2 SE into NEI 94-01, Revision 3-A, the NRC will not be able to reference NEI 94-01, Revision 3-A in the update to RG 1.163. Any licensee submissions referencing the TR will require requests for additional information from the NRC to address the limitations and conditions from the NRC SE for NEI 94-01, Revision 2.

Therefore, the NRC requests that NEI issue and submit to the NRC, an update to NEI 94-01, Revision 3-A. NEI may elect to:

1. Put the two SEs into the NEI 94-01, Revision 3-A as appendices, and add a statement (similar to that indicated below) committing to the limitations and conditions found in Section 4 of the two appendices, or
2. Issue NEI 94-01, Revision 4 correcting the deficiencies.

This will allow the NRC staff to reference the NEI 94-01 TR in the RG.

B. Bradley

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The revised NEI 94-01 would “describe an acceptable approach for implementing the optional performance-based requirements of Option B to 10 CFR Part 50, Appendix J, subject to the limitations and conditions noted in Section 4.0 of the NRC SE for NEI 94-01, Revision 2-A, and in Section 4.0 of the NRC SE for NEI 94-01, Revision 3-A. The NRC SEs are included as Appendices of this report.” The revision of NEI 94-01 should also modify the following statement as indicated with strike through: “The regulatory positions stated in Regulatory Guide 1.163 (September 1995) ~~as modified by NRC Safety Evaluations of June 25, 2008 and June 8, 2012~~ are incorporated in this document.”

If you have any questions, please contact Sheldon Stuchell at 301-415-1847.

Sincerely,

/RA/

Sher Bahadur, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Project No. 689

The revised NEI 94-01 would “describe an acceptable approach for implementing the optional performance-based requirements of Option B to 10 CFR Part 50, Appendix J, subject to the limitations and conditions noted in Section 4.0 of the NRC SE for NEI 94-01, Revision 2-A, and in Section 4.0 of the NRC SE for NEI 94-01, Revision 3-A. The NRC SEs are included as Appendices of this report.” The revision of NEI 94-01 should also modify the following statement as indicated with strike through: “The regulatory positions stated in Regulatory Guide 1.163 (September 1995) ~~as modified by NRC Safety Evaluations of June 25, 2008 and June 8, 2012~~ are incorporated in this document.”

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