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June 24, 2014

Mr. Joseph G. Giitter
Director, Division of Risk Assessment
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC, 20555-0001

Subject: Task Interface Agreement 2013-02, "Single Spurious Assumption for Braidwood and Byron Stations Safe-Shutdown Methodology"

Dear Mr. Giitter,

On March 31, 2014, the Office of Nuclear Reactor Regulation (NRR) issued its final response to Task Interface Agreement (TIA) 2013-02, "Single Spurious Assumption for Braidwood and Byron Stations Safe-Shutdown Methodology." The TIA evaluated the acceptability of the licensing bases for the Braidwood and Byron Stations, which allow an assumption of a single spurious actuation to evaluate post-fire safe shutdown capabilities.¹ The NRC correctly concluded in the TIA that Braidwood and Byron are in compliance with their current licensing bases.

The Nuclear Energy Institute (NEI)² agrees with the staff's conclusions with respect to Byron and Braidwood, as discussed at a May 12, 2014, NRC public meeting. However, as discussed in the attachment to this letter, we disagree with other aspects of the TIA and request it be revised and reissued. Specifically, the TIA posed a generic question and NRR provided a generic response on matters that do not specifically pertain to Braidwood or Byron. As a result, the NRR responses are being used generically by the regional inspection staff to impose new or different regulatory staff positions. Moreover, it is our view that the extraneous information in the TIA is factually inaccurate. As an example, contrary to the TIA, the NRC has

¹ Nuclear power reactors licensed to operate before January 1, 1979 are subject to 10 C.F.R. § 50.48(b) and 10 C.F.R. Part 50, Appendix R. Reactors licensed to operate after January 1, 1979 are not required by rule to comply with Appendix R.

² 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 cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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not always required consideration of multiple spurious actuations to meet its fire protection rules. The NRC should revise the TIA to remove this information.

To be clear, NEI is not disputing the importance of considering multiple spurious actuations as a technical matter. The nuclear industry guidance contained in NEI-00-01, *Guidance for Post-Fire Safe Shutdown Circuit Analysis*, reflects the industry's approach to addressing this issue.³ But, while NEI believes that licensees *should* consider multiple spurious actuations, we disagree with the NRC's characterization that the agency has always interpreted its rules to *require* consideration of multiple spurious actuations.⁴

NEI requests the opportunity to further discuss our comments or the issue in general.

Thank you in advance for your consideration of the concerns raised in this letter. If you have any questions or require additional information, please contact me or Steven Hutchins (202-739-8132; sph@nei.org).

Sincerely,



Christopher E. Earls

c: Mr. Daniel M. Frumkin, NRR/DRA/AFP, NRC
Mr. Alexander R. Klein, NRR/DRA/AFP, NRC

³ Aspects of NEI-00-01, Rev. 2, have been endorsed by the NRC in Regulatory Guide 1.189, Rev. 2, "Fire Protection For Nuclear Power Plants."

⁴ NEI-00-01 explicitly states that the insights contained in the guidance do not alter a plant's licensing basis. As discussed below, an individual plant's licensing basis is the appropriate source for establishing how a plant must conduct its safe shutdown analysis.