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NUCLEAR ENERGY INSTITUTE

2/13/2017  
82 FR 10504

March 15, 2017

Cindy Bladey  
Office of Administration  
Mail Stop: OWFN-12-H08,  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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**References:**

1. NEI 09-10 Rev 1a-A, *Guidelines for Effective Prevention and Management of System Gas Accumulation*
2. TSTF 523, *Generic Letter 2008-01 Managing Gas Accumulation*

**Subject:** Comments on Draft Regulatory Issue Summary 2017-##, "Status Of Regulatory Actions Taken to Address Gas Accumulation In Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems" - **Docket ID NRC-2017-0040**

**Project Number: 689**

Dear Ms. Bladey:

On February 13, 2017, a Federal Register Notice (FRN 82 FR 1054) requested public comments on draft Regulatory Issue Summary (RIS) 2017-##, "Status Of Regulatory Actions Taken to Address Gas Accumulation In Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems". This draft RIS, if finalized, would advise affected licensees who choose not to implement Reference 1 and an associated technical specification traveler (Reference 2) to ensure, through some appropriate means that systems remain operable with respect to the potential for accumulation of gas in accordance with their plant-specific technical specifications and their plant's licensing basis.

NEI has the following comments on the draft RIS.

- The draft RIS appears to bring into question acceptable approaches and closure of GL 2008-01. In several places in its "Summary of Issue" section, the draft RIS refers to References 1 and 2 as if they describe a single approach and implies that they should be implemented in combination in order to demonstrate operability. Although the NEI guideline is consistent with and supports the TSTF, licensees should have the flexibility of implementing one, both, or neither of these documents as long as the licensee implements an appropriate means of ensuring Technical Specification

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SUNSI Review Complete

Template = ADM - 013

E-RIDS = ADM-03

Add = D. Woodlyatt (DX215)

A. Earman (AD52)

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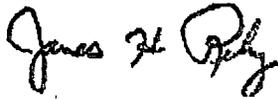
systems operability with respect to the potential for accumulation of gas. In addition, the GL 2008-01 gas accumulation issues were closed for many plants before issuance of these industry documents and without reliance on them. For those plants, the draft RIS appears to impose additional requirements.

- The Backfitting and Issue Finality Discussion on page 3 of 6 appears to inaccurately address the potential impact to licensees of this RIS when it states it "would not require any action or written response on the part of any addressee." The draft RIS proposal for the NRC to "address backfitting and/or issue finality, as applicable, at the time that it takes such [additional regulatory] action" seems inappropriate. Backfitting and issue finality criteria evaluations should not be deferred until a licensee objects when additional regulatory action is being taken against that licensee.

Based on the comments above, this draft RIS could constitute a new requirement. As such, this draft RIS may be an example of the less obvious "implicit backfits" that may be "creeping into the process" as noted in the February 28, 2017 Committee to Review Generic Requirements (CRGR) Meeting on Tasking Memo Response. The draft RIS should be evaluated with consideration of the results of that meeting.

If you have any questions on the contents of this letter, please contact me at 202-739-8137 or [jhr@nei.org](mailto:jhr@nei.org).

Sincerely,



James H. Riley