

RULES AND REGULATIONS

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Clarification of Licensee Actions in Enforcement Guidance Memorandum EGM 15-002

Comment On: NRC-2017-0052-0001

Clarification of Licensee Actions in Enforcement Guidance Memorandum EGM 15-002, Enforcement Discretion for Tornado-Generated Missile Protection Noncompliance, Revision 1; Request for Comment on Draft Interim Staff Guidance

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Comment on FR Doc # 2017-03527

82 FR 11483

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Submitter Information

(2)

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General Comment

This issue is an old design issue (greater than 5 years) with indicated low-risk, and low probability. If the issue really represents a degradation of the design of a TS required SSC, why would non-safety (i.e. potentially non-seismic, non-hurricane/tornado, non- TS surveilled, non-Appendix B controlled) be an appropriate long-term compensatory measure, given no NRC established reliability/performance of the FLEX equipment?

For the long-term correction of the concern, it does not seem appropriate to require those licensees who are operable, but nonconforming to have to integrate a new methodology into the licensing/design bases. Methodologies don't correct non-conformances.

Additionally, the basis for having to request prior NRC approval to develop and implement that program (e.g. an amendment) seems to not appropriately apply the NRC's regulatory process. Now, if the expectation was the development of a program to identify when this issue is of greatest concern and the development of appropriate mitigative measures, which the acceptability would be reviewed by inspection, this would make more sense, as once again methodologies, in and of themselves, don't fix nonconformances.

In summary, the proposed appears to direct an action (requires submittal of an amendment, which could be a backfit if approved) for a mistake or omission by the NRC staff during the initial licensing review, for a condition that has an extremely, extremely, low probability of occurrence, without appropriately addressing:

1. Why addition of the methodology corrects the nonconformance;

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2. Why the old design issue even needs correction at all given a risk-informed review;
3. Should it need correction, why prior NRC approval is required, and
4. If prior approval is needed what acceptance criteria (e.g. what NRC requirement(s), NRC guidance, industry standards, etc...) will those amendment requests be judged against.