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U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: Request for Comment on the "NRC Draft Regulatory Issue Summary  
2017-XX, Supplement to RIS 2002-22" (Docket ID NRC-2017-0154)

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Florida Power & Light Company, the licensee for St. Lucie Nuclear Plant, Units 1 and 2, and Turkey Point Nuclear Plant, Units 3 and 4, and on behalf of NextEra Energy Seabrook, LLC (NextEra Energy Seabrook) the licensee for Seabrook Station; NextEra Energy Duane Arnold, LLC (NextEra Energy Duane Arnold), the licensee for Duane Arnold Energy Center; and NextEra Energy Point Beach, LLC (NextEra Energy Point Beach), the licensee for Point Beach Nuclear Plant, Units 1 and 2 (collectively referred to as "NextEra"), appreciates the opportunity to comment on the draft Regulatory Issue Summary 2017-XX, Supplement to RIS 2002-22," published in the Federal Register on July 3, 2017 (82 FR 30913, [NRC-2017-0154]).

NextEra endorses the comments provided by the Nuclear Energy Institute (NEI), dated August 15, 2017 on this subject.

Sincerely yours,

Larry Nicholson  
Director, Nuclear Licensing and Regulatory Compliance

Attachment

**SUNSI Review Complete**  
**Template = ADM - 013**  
**E-RIDS= ADM-03**  
**Add= B. Harris (bkH4)**

J. Drake (JxD23)  
T. Loovan (Txs1)

**FPL/NextEra Energy Comments on Draft-RIS-17-xx  
 Supplement To RIS 2002-22**

Comment No.	Section/Page #	FPL/NextEra Energy Comment	Recommended Change
1	ALL	The DRAFT RIS uses the term "reasonable assurance" nearly 20 times throughout the document in various contexts. On Page 1, it qualifies the term as follows: <i>"Reasonable assurance" appears in NEI 01-01, but as used in this RIS, means "an adequate degree of certainty" rather than the broader NRC regulatory standard.</i> This statement is confusing since the RIS includes quotes from NEI 01-01 with this term included.	Either remove the footnote altogether, or add clarity where the footnote applies and where it does not.
2	Footnote/Page 1	For the term "reasonable assurance", what is the source for the footnote?	Identify the Regulatory source of the footnote that clearly defines the difference between "adequate degree of certainty" and "broader NRC regulatory standard".
3	ALL	The DRAFT RIS uses the term, "qualitative assessment" more than 15 times throughout the RIS. In the context where it is used, in most cases, either an implicit or explicit definition is stated. This is confusing.	Define the term "qualitative assessment" once, then only use the term in the balance of the text.

## FPL/NextEra Energy Comments on Draft-RIS-17-xx Supplement To RIS 2002-22

Comment No.	Section/Page #	FPL/NextEra Energy Comment	Recommended Change
4	Attachment / Pages 1-17	<p>The NRC should not be specifying to the industry a quality process that has already been developed and implemented at each nuclear plant under 10 CFR 50, Appendix B, Criterion V. Under INTENT, the DRAFT RIS states, "The purpose of this RIS is to clarify the NRC's endorsement of NEI 01-01 by providing additional guidance for preparing and documenting the "qualitative assessment" used to provide reasonable assurance that a digital modification will exhibit a low likelihood of failure, which is a key element in 10 CFR 50.59, "Changes, tests and experiments," evaluations of whether the change requires prior NRC approval."</p> <p>The NRC goes far beyond clarity when, in the Attachment, structure and format are specified explicitly. If left in place, this degree of specificity will result in significant impact on the industry in the following areas at a minimum:</p> <ul style="list-style-type: none"> <li>• Procedures prepared in accordance with 10 CFR 50, Appendix B on execution of a 10 CFR 50.59 Review will require revision to incorporate the same level of specificity as specified in the RIS</li> <li>• Qualification Guides for 10 CFR 50.59 Review and Digital Engineer will require revision, in compliance with 10 CFR 50.120 &amp; INPO ACAD 98-004, Rev 3, to ensure these "clarified" knowledge and performance attributes are incorporated</li> <li>• Training will be required for the 10 CFR 50.59 Review and Digital Engineer Qualified technical staff to ensure changes to knowledge and performance attributes are demonstrated</li> </ul> <p>The impact above may represent a "backfit" on the industry.</p>	<p>Remove the detailed structure and format aspects from the DRAFT RIS Attachment. Limit the Attachment to clarity only.</p> <p>If not removed, then revisit the RIS as a potential backfit on the industry.</p>

**FPL/NextEra Energy Comments on Draft-RIS-17-xx  
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<b>Comment No.</b>	<b>Section/Page #</b>	<b>FPL/NextEra Energy Comment</b>	<b>Recommended Change</b>
5	Attachment / Pages 1-17	Outcomes from a qualitative assessment that would in turn be used as engineering/technical information in a 10 CFR 50.59 Review are specified as "finds", "final determination", "resulting", etc. This inconsistent verbiage is confusing.	Recommend that the outcome of a qualitative assessment be described as "conclusions" because conclusions are the translation of the results. Therefore, the conclusions of an assessment are the engineering/technical information that is important to the 10 CFR 50.59 Review.
6	Attachment / Page 3, Section 2.1	The following NOTE is stated, "[Note: This likelihood threshold is not interchangeable with that for "credible"/"not credible," which has a threshold of "as likely as" (i.e., not "much lower than") malfunctions already assumed in the UFSAR.]" However, no basis for the note could be found in NEI 01-01 or NEI 96-07, Rev 1, or regulatory framework.	Identify the Regulatory source of the NOTE or revise the NOTE to add sufficient clarity (preferably with examples) to ensure it is not mistranslated by the industry.
7	Attachment / Page 4, Section 2.2, Step 1	Bullets contain quoted guidance from NEI 01-01 and NEI 96-07, Rev 1; however, in a couple cases, the quoted information is not correct.	Revise bullets 1 and 3 to ensure the quoted text is accurate and traceable to the source document
8	Attachment / Page 4, Section 2.2, Step 2	Bullets contain quoted guidance from NEI 01-01 and NEI 96-07, Rev 1; however, the quoted text from the last three bullets could not be traced back to either source.	Revise the last three bullets to ensure quoted information is accurate and traceable to the source document

## FPL/NextEra Energy Comments on Draft-RIS-17-xx Supplement To RIS 2002-22

Comment No.	Section/Page #	FPL/NextEra Energy Comment	Recommended Change
9	Attachment / Page 6, Part 3  AND  Attachment / Page 9, Table 1  AND  Attachment / Page 12, Figure 1	<p>100% testing is quantitative NOT qualitative. The DRAFT RIS INTENT states:          "The purpose of this RIS is to clarify the NRC's endorsement of NEI 01-01 by providing additional guidance for preparing and documenting the "qualitative assessment" <b>used to provide reasonable assurance</b> [emphasis added] that a digital modification will exhibit a low likelihood of failure, which is a key element in 10 CFR 50.59, "Changes, tests and experiments," evaluations of whether the change requires prior NRC approval."</p> <p>Under SUMMARY OF ISSUE, the DRAFT RIS also states,          "The qualitative assessment is used to record the <b>factors and rationale and reasoning for making a determination that there is reasonable assurance</b> [emphasis added] that the digital I&amp;C modification will exhibit a low likelihood of failure by considering the aggregate of these factors."</p> <p>And goes on to state:          "This <b>RIS does not change the NRC staff positions in RIS 2002-22</b> [emphasis added] endorsing NEI 01-01. Specifically, RIS 2002-22 states: <b>Because there is currently no acceptable way to quantitatively establish the reliability of digital systems, [NEI 01-01] gives considerable attention to the qualitative assessment of the dependability of and risk associated with I&amp;C systems.</b> [emphasis added] The guidance in [NEI 01-01] identifies qualitative approaches within existing endorsed guidance with regard to software issues, including software-related common-cause failure issues, without proposing alternatives to the existing guidance. Therefore, the guidance in [NEI 01-01] does not propose to alter, or offer less conservative guidance for, the existing licensing process for license amendment requests to implement digital replacements."</p> <p>Based on the above, "100 percent testing" is an outlying quantitative attribute and is counter to the purpose and intent of a qualitative assessment approach already endorsed by the NRC.</p>	<p>Remove the stated quantitative language of "100 percent testing" from the Attachment</p>

## FPL/NextEra Energy Comments on Draft-RIS-17-xx Supplement To RIS 2002-22

Comment No.	Section/Page #	FPL/NextEra Energy Comment	Recommended Change
10	ALL	<p>Throughout the DRAFT RIS text, “qualitative assessment” is used without further description. However, in a few random cases “effective qualitative assessment” is used. This DRAFT RIS does not define the differences between the two. Overall, “effective qualitative assessment” seems out of place because either the conclusions of a qualitative assessment support the outcomes when used in a 10 CFR 50.59 Review or they do not.</p> <p>“effective qualitative assessment” is not used in NEI 01-01.</p>	For clarity and to avoid confusion, remove the word “effective” from “effective qualitative assessment” throughout the text.
11	Attachment / Page 7, Section 4.2	A new term, “layers of defense” is used and is not defined. If this is intended to refer to “defense in depth”, then “defense in depth” should be stated.	Either define the term “layers of defense” or use the term “defense in depth”.
12	Attachment / Page 9, Table 1	“Environmental Qualification” implies a Regulatory programmatic requirement; however, based on the subsequent examples, “(e.g., EMI/RFI, Seismic)”, this does not appear to be the context.	Revise “environmental qualification” to “demonstrated tolerance (e.g., through qualification testing) to withstand environmental conditions within which the SSC is required to perform its design function (e.g., EMI/RFI, Seismic)”
13	Attachment / Page 10, Step 4.2.1.2, 3 <sup>rd</sup> sentence	The 3 <sup>rd</sup> sentence does not accurately reflect verbiage consistent with 10 CFR 50.59.	Revise the 3 <sup>rd</sup> statement to align with 10 CFR 50.59 verbiage.
14	Attachment / Page 12	<p>First decision block is out of place and does not align with the Attachment 1 discussion.</p> <p>The second decision block language is not consistent with the verbiage used in 10 CFR 50.59.</p>	<p>Remove the first decision block</p> <p>Revise the second decision block question verbiage to align with 10 CFR 50.59.</p>