

RESPONSES FOR APPENDIX C TO THE
COMMITTEE TO REVIEW GENERIC REQUIREMENTS CHARTER
REGARDING PROPOSED NRR TASK INTERFACE AGREEMENT RESPONSE 2014-05,
“DESIGN ANALYSIS FOR SINGLE FAILURE AND
THE INTEGRATION OF CLASS 1E DIRECT CURRENT CONTROL CABLING IN RACEWAYS
WITH HIGH ENERGY POWER CABLING
AT THE OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3”

PROPOSED ACTION: The proposed Task Interface Agreement (TIA) response is being issued in response to a request from Region II (RII) for the Office of Nuclear Reactor Regulation (NRR) to provide answers to several questions related to the compliance of cable configuration in certain recently installed underground raceways at Oconee Nuclear Station, Units 1, 2, and 3 (ONS), with the ONS licensing basis, design basis, and U.S. Nuclear Regulatory Commission (NRC) regulations and requirements.

(i) The new or revised generic requirement or staff position as it is proposed to be sent out to licensees.

The TIA response does not communicate a new requirement or new staff position and only applies to one site, ONS. The TIA response communicates specific instances when it was identified that the licensee is not in conformance with its licensing basis because of modifications it made to the design of ONS.

(ii) Draft papers or other underlying staff documents supporting the requirements or staff positions. (A copy of all materials referenced in the document shall be made available upon request to the Committee to Review Generic Requirements (CRGR) staff. Any Committee member may ask the CRGR staff for a copy of any reference material for his or her use.)

The table shown below presents all references that support the position presented in this TIA Response, along with their Agencywide Documents Access and Management System (ADAMS) accession numbers.

Document Name	ADAMS Accession No.
Request for Technical Assistance Regarding Oconee Nuclear Station Design Analysis for Single Failure and the Integration of Class 1E Direct Current Control Cabling in Raceways with High Energy Power Cabling (TIA 2014-05), dated October 16, 2014 (TIA request from RII)	ML14290A136
Duke Energy Carolinas, LLC, Oconee Nuclear Station, TIA 2014-05, Potential Unanalyzed Condition Associated with Emergency Power System, dated May 11, 2015 (Licensee submitted information)	ML15139A049

Document Name	ADAMS Accession No.
Duke Energy Carolinas, LLC, Oconee Nuclear Station, Supplemental Information on TIA 2014-05, Potential Unanalyzed Condition Associated with Emergency Power System, dated August 7, 2015 (Licensee submitted information)	ML15224A370
Oconee Nuclear Station, Units 1, 2, and 3, Request for Fact Check on Draft Task Interface Agreement 2014-05, Related to the Design Analysis for Single Failure and the Integration of Class 1E Direct Current Control Cabling in Electrical Raceways With High Energy Power Cabling, dated August 2, 2016 (Draft TIA 2014-05 response)	ML16214A003
Duke Energy Carolinas, LLC., Oconee Nuclear Station, Unit Nos. 1, 2 and 3 - Response to Request For Fact Check of Draft Task Interface Agreement (TIA) 2014-05 dated August 15, 2016 (Licensee fact check information)	ML16231A451
Oconee Nuclear Station – NRC Component Design Bases Inspection Report 05000269/2014007; 05000270/2014007; 05000287/2014007 dated June 27, 2014	ML14178A535
Oconee Nuclear Station, Units 1, 2, and 3, Issuance of Amendments Regarding Implementation of the Protected Service Water System (Amendment Nos. 386, 388 and 387, respectively) dated August 13, 2014	ML14206A790
Letter from Duke Power Company to the NRC, dated May 13, 1976	ML16030B569
Licensee Event Report 269/2014-01, Revision 0, dated May 27, 2014	ML14149A476
Oconee TIA Peer Review Team Report, August 20, 2015	ML15216A621

(iii) Each proposed requirement or staff position shall contain the sponsoring office's position as to whether the proposal would modify requirements or staff positions, implement existing requirements or staff positions, or relax or reduce existing requirements or staff positions.

The proposed TIA response does not increase, reduce, or modify existing requirements or NRC staff positions. The position presented in the TIA response is that the licensee does not currently meet its licensing basis because of modifications it made to the ONS design.

(iv) The proposed method of implementation and resource implications, along with the concurrence (and any comments) of the Office of General Counsel on the method proposed, the concurrence of affected program offices, or an explanation of any nonconcurrences.

The method of implementation will be to issue the TIA response and for the RII office to take appropriate action to close out existing Unresolved Items identified through inspections performed as part of the Reactor Oversight Process. The Office of the General Council has no legal objection to the proposed TIA response.

(v) Regulatory analyses conforming to the directives and guidance of NUREG/BR-0058 and NUREG/BR-0184, as applicable. (This does not apply to backfits that ensure compliance or ensure, define, or redefine adequate protection. For power reactors, a documented evaluation is required as discussed under item [ix] of this Appendix.)

This item is not applicable, since the TIA response is not a backfit.

(vi) Identification of the category of reactor plants to which the generic requirement or staff position is to apply (i.e., whether it is applicable to future plants, operating plants, all pressurized-water reactors (PWRs), all boiling-water reactors (BWRs), specific nuclear steam supply system (NSSS) vendor types, specific vintage type plants, gaseous diffusion plants (GDPs), etc.).

The TIA response addresses site-specific licensing basis questions and applies only to Duke Energy Carolinas, LLC, the licensee for ONS. There is no generic applicability for the conclusions presented in this TIA response.

(vii) For proposed backfits, other than either the compliance or the adequate protection backfits, a backfit analysis as defined in the Backfit Rule (10 CFR 50.109, "Backfitting," for power reactors and 10 CFR 76.76, "Backfitting," for the GDPs) should be performed. The backfit analysis shall include, for each category of nuclear power reactor or nuclear materials facility or activity, an evaluation, which demonstrates how the proposed action should be prioritized and scheduled in light of other ongoing regulatory activities. The backfit analysis shall document for consideration pertinent information available concerning any of the following factors, as appropriate, and any other information, which is relevant and material to the proposed action:

(a) Statement of the specific objectives that the proposed action is intended to achieve;

(b) General description of the activity that the licensee or applicant would be required to perform in order to complete the action;

(c) Potential change in the risk to the public from the accidental offsite release of radioactive material;

(d) Potential impact on radiological exposure of facility employees and other onsite workers;

- (e) Installation and continuing costs associated with the action, including the cost of facility downtime or the cost of construction delay;**
- (f) The potential safety impact of changes in plant or operational complexity, including the relationship to proposed and existing regulatory requirements and staff positions;**
- (g) The estimated resource burden on the NRC associated with the proposed action and the availability of such resources;**
- (h) The potential impact of differences in facility type, design, or age on the relevancy and practicality of the proposed action;**
- (i) Whether the proposed action is interim or final, and if interim, the justification for imposing the proposed action on an interim basis;**
- (j) For both rulemaking actions and proposed generic correspondence, staff evaluation of comments received as a result of the notice and comment process;**
- (k) How the action should be prioritized and scheduled in light of other ongoing regulatory activities. The following information may be appropriate in this regard:**
 - 1. The proposed priority or schedule;**
 - 2. A summary of the current backlog of existing requirements awaiting implementation;**
 - 3. An assessment of whether implementation of existing requirements should be deferred as a result;**
 - 4. Any other information that may be considered appropriate with regard to priority, schedule, or cumulative impact. For example, could implementation be delayed pending public comment?**

The proposed TIA response is not a backfit.

- (viii) For each proposed backfit analyzed pursuant to 10 CFR 50.109(a)(2) (i.e., not adequate protection backfits and not compliance backfits), the proposing office director's determination, together with the rationale for the determination based on the consideration of paragraph (i) and (vii) above, that:**
 - (a) There is a substantial increase in the overall protection of public health and safety or the common defense and security will be derived from the proposal; and**
 - (b) The direct and indirect costs of implementation, for the facilities affected, are justified in view of this increased protection.**

The proposed TIA response is not a backfit.

(ix) For adequate protection or compliance backfits affecting power reactors, evaluated pursuant to 10 CFR 50.109(a)(4) (or analogous provisions in 10 CFR 72.62 or 10 CFR 76.76, as appropriate),

(a) A documented evaluation consisting of:

- 1. the objectives of the modification**
- 2. the reasons for the modification**
- 3. if the compliance exception is invoked,**

(A) the requirements (e.g., Commission regulation, license condition, order) or written licensee commitments, for which compliance is sought.

(B) an assessment of risk/safety implications of not requiring licensees to immediately restore compliance, and the basis for determination that a reasonable concession could be allowed to defer restoration of compliance at a later time (e.g., next refueling outage).

(C) demonstrated consideration of other possible alternatives and rationale for rejecting them in favor of compliance backfitting.

(D) evaluation from cost-benefit considerations (not a full-blown regulatory analysis) and a rationale for compliance exception.

4. If the adequate protection exception is invoked, the basis for concluding that the matter to be addressed involves adequate protection, and why current requirements (e.g., Commission regulation, license condition, order) or written licensee commitments do not provide adequate protection.

(b) In addition, for actions that were immediately effective (and therefore issued without prior CRGR review as discussed in Section III of the CRGR Charter), the evaluation shall document the safety significance and appropriateness of the action taken and (if applicable) consideration of how costs contributed to selecting the solution among various acceptable alternatives.

The proposed TIA response is not a backfit.

(x) For each request for information from power reactor licensees under 10 CFR 50.54(f), which is for purposes other than to verify compliance with the facility's licensing basis, an evaluation that includes at least the following elements:

(a) A problem statement that describes the need for the information in terms of potential safety benefit.

(b) The licensee actions required and the cost to develop a response to the information request.

(c) An anticipated schedule for NRC use of the information.

(d) A statement affirming that the request does not impose new requirements on the licensee, other than submittal of the requested information.

(e) The proposing office director's determination that the burden to be imposed on the respondents is justified in view of the potential safety significance of the issue to be addressed in the requested information.

Under the provisions of 10 CFR 50.54(f), unless the request for information is for the purpose of verifying compliance with the licensing basis of a facility, the Executive Director for Operations shall approve the staff's justification. Additional guidance for preparing this evaluation is provided in Section 5.4 of NUREG/BR-0058, Revision 2.

Include an analogous evaluation addressing items (a) through (e) for each information request directed to the licensees of the selected nuclear materials facilities or referred to in Section III of the CRGR Charter.

The proposed TIA response is not a request for information under 10 CFR 50.54f.

(xi) For each proposed power reactor backfit analyzed pursuant to 10 CFR 50.109(a)(2) (i.e., backfits other than either adequate protection or compliance backfits), an assessment of how the proposed action relates to the Commission's Safety Goal Policy Statement.

The proposed TIA response is not a request for information under 10 CFR 50.54f.