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Dr. Edwin M. Hackett
Chair, Committee to Review Generic Requirements
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Subject: Committee to Review Generic Requirements' (CRGR) Review of Regulatory Issue Summary "Disposition of Information Related to the Time Period the Safety-Related Structures, Systems or Components are Installed"

Project Number: 689

Dear Dr. Hackett:

In a June 29 memorandum, the Director of the Division of Inspection and Regional Support requested CRGR review of a proposed Regulatory Issue Summary "Disposition of Information Related to the Time Period the Safety-Related Structures, Systems or Components are Installed" ("Service Life RIS" or "RIS").[1] Industry appreciates the opportunity to provide its views to CRGR, in conjunction with the Committee's review of the RIS.

NEI,[2] on behalf of the commercial nuclear power industry, has been actively engaged with the NRC staff on the issues addressed in the proposed Service Life RIS for several years, and we appreciate the staff's consideration of our views on the document.[3] Although many of the industry's concerns have been addressed through our interactions with the staff, the RIS remains ambiguous on several important

[1] Memorandum from C.G. Miller (Director, Division of Inspection and Regional Support, NRR) to Chairman, Committee to Review Generic Requirements, "Request for Review of the Proposed Regulatory Issue Summary Entitled "Disposition of Information Related to the Time Period that Safety-Related Structures, Systems or Components are Installed," (June 29, 2017)("June Memorandum").

[2] NEI is responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory, financial, technical and legislative issues. NEI members include all companies licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

[3] *See, e.g.*, "Industry Comments on, 'NRC Draft Regulatory Issue Summary YYYY-####: Disposition of Information Related To The Time Period That Safety-Related Structures, Systems or Components Are Installed,' FRN 2016-11598, NRC Docket ID 2016-0098, dated May 10, 2016," (July 18, 2016); Letter from B. Montgomery (NEI) to S.Morris (NRC), "Industry Position on the Role of Vendor Recommendations for Service Life of Safety-Related Components" (Oct. 20, 2015).

regulatory issues and, thus, may be misinterpreted to support imposition of unanalyzed backfits in the future. Two examples of remaining industry concerns are discussed below.

1) <u>The RIS does not explicitly recognize that vendor replacement and refurbishment information is rarely categorized as design basis or supporting design basis information</u>. Although the original focus on vendor replacement and refurbishment information has been deemphasized in the RIS, it is still referenced as an example of "information"[4] that must be considered by licensees and has been an area of focus during NRC inspections. The Background Information section of the RIS refers to guidance and regulations associated with design bases and supporting design bases information. The discussion of this information could lead inspectors to incorrectly conclude that vendor replacement or refurbishment technical recommendations are supporting design information. Adoption of such a position, facilitated by the ambiguity in the RIS, could lead to the imposition of unanalyzed backfits in the future – *e.g.*, violations based on the premise that a non-conformance with a plant's approved design exists, due solely to the identification of safety-related SSCs that are in operation for periods of time greater than the vendor recommended replacement or refurbishment schedules.

To the contrary, the industry continues to believe that – while vendor replacement or refurbishment technical recommendations should be considered in the development and revision of preventative maintenance activities – this information is not generally considered design basis (*see* 10 CFR 50.2) or substantial supporting design basis information. The RIS should contain an explicit statement clarifying this point.

2) <u>The RIS does not adequately describe existing programs and regulations that govern the maintenance of SSCs (preventative maintenance programs, Maintenance Rule, aging management programs, *etc.*)</u>. Although the RIS appropriately suggests that licensees use existing programs (*e.g.*, quality assurance, corrective action, operability/functionality) to disposition information that may call the service life of safety-related SSCs into question, it does not adequately acknowledge other relevant regulatory requirements and programs (*e.g.*, preventative maintenance programs, Maintenance Rule) that may inform licensee decisions in this area. This is problematic because it could lead the NRC staff to inappropriately dismiss licensee actions taken pursuant to these programs when assessing whether the licensee has adequately evaluated information related to the service life of safety-related SSCs.
For example, the RIS dismisses the relevance of the Maintenance Rule by simply stating that it "does not relieve licensees of the need to comply with other applicable regulations, NRC-approved program requirements, and regulatory commitments."[5] While true, this statement fails to take a holistic view of the requirements and programs that ensure that plant SSCs will function as intended. It also does not acknowledge the guidance in NUREG-0800, Section 3.11, which recognizes the sufficiency of compliance with the Maintenance Rule to provide reasonable assurance that environmental and service conditions have not reduced the life of equipment in mild environments. In application, an overly narrow view of the

[4] June Memorandum, at Encl. 1, FN 1.
[5] June Memorandum, at Encl. 1, pg. 4.

interplay between the relevant programs and requirements can result in inordinate burden being placed on licensees to demonstrate that vendor recommendations have been adequately evaluated and dispositioned.

In this vein, we are aware of one situation where an NRC inspector has requested that a licensee supply a list of all safety-related components that are beyond the vendor recommended service life. Such lists are not required and are not generally maintained by licensees. Rather, licensees rely upon their preventative maintenance programs to make decisions regarding the service life of safety-related SSCs. In turn, these programs rely on a number of inputs including vendor recommendations, service advisories, operating experience, industry preventive maintenance templates and engineering judgement. Evolving expectations regarding the level of documentation necessary to disposition vendor information could, in effect, result in the imposition of new or different preventative maintenance requirements on licensees. The RIS should contain an explicit recognition that the formality of licensee evaluations of information, such as vendor recommendations, will be dictated by the existing preventative maintenance program requirements. The clarity and context provided by such a discussion would help to ensure that the RIS is not misconstrued to support the imposition of new or different interpretations regarding the level of documentation and formality of evaluations required to comply with approved quality assurance programs.

The two issues described above are examples of lingering industry concerns with the RIS. We believe that providing the industry an opportunity to communicate our remaining concerns to the CRGR will meaningfully inform the Committee's review of the RIS.

Please feel free to contact me if you have any questions.

Sincerely,

Pamela B. Cowan

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