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SUNSI Review Complete Template = ADM-013
E-RIDS=ADM-03
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COMMENT (3)
PUBLICATION DATE: 7/5/2018
CITATION: 83 FR 31429

September 6, 2018

Ms. May Ma
Office of Administration
Mail Stop: TWFN-7-A60M
U.S. Nuclear Regulatory Commission
Washington, DC 20555–0001

Subject: Comments on Draft Regulatory Guide (RG) DG-1351, *"Dispositioning of Technical Specifications that are Insufficient to Ensure Plant Safety"* (*Federal Register* 83FR31429, dated July 5, 2018, Docket ID NRC-2018-0137)

This letter is being submitted in response to the U.S. Nuclear Regulatory Commission's (NRC's) request for comments concerning the subject draft Regulatory Guide (RG) DG-1351, *"Dispositioning of Technical Specifications that are Insufficient to Ensure Plant Safety,"* published in the *Federal Register* (i.e., 83FR31429, dated July 5, 2018).

DG-1351 proposes new guidance that describes methods and procedures that are acceptable to the NRC for dispositioning of Technical Specifications (TS) that are insufficient to ensure power plant safety.

Exelon Generation Company, LLC (Exelon) appreciates the opportunity to comment on the subject draft RG and offers the following comments for consideration by the NRC.

General Comments

In Sections C.1.b and C.4.a of DG-1351, the guidance indicates that a non-conservative Technical Specification (TS) should be resolved at the first available opportunity and no later than the end of the next refueling outage, stating that this timeframe is generally sufficient for the license amendment process to be completed and the amendment to be implemented. Although this is consistent with past interpretation, this might not be feasible. For example, if a licensee identifies a non-conservative TS two months before a refueling outage, it would not be considered reasonable for a licensee to prepare, submit, obtain NRC approval, and implement an amendment by the end of the upcoming refueling outage. Exelon believes that additional clarification and flexibility is warranted depending on proximity to the refueling outage.

In addition, NRC Inspection Manual Chapter (IMC) 0326, *"Operability Determinations & Functionality Assessments for Conditions Adverse to Quality or Safety,"* already discusses timing of resolution of degraded and nonconforming conditions. Exelon suggests that the NRC consider adding wording to the DG to be more consistent with the IMC 0326 guidance. Furthermore, consideration should be given to incorporating aspects of 10 CFR 50.69 into the RG since some of the cited regulations (e.g., 10 CFR 50 Appendix B, Criterion XVI and 10 CFR 50.72) will no longer apply to certain Risk-Informed Safety Class (RISC) structures, systems, and components that are categorized as RISC-3 and RISC-4.

Specific Comments

1. On Page 5, the paragraph starting with "Following the implementation of..." is a direct quote from Administrative Letter 98-10, *"Dispositioning of Technical Specifications that are Insufficient to Assure Plant Safety."* Exelon questions whether this information is still accurate 20 years later and whether such information should be included in the RG. Most licensees have developed programs and procedures to address this issue; therefore, Exelon questions the accuracy of the information in today's environment.

2. On Page 8, under Paragraph 1.a (the last sentence), Exelon does not agree with the statement that the lack of a TS Limiting Condition for Operation (LCO) constitutes a non-conservative TS. The NRC has issued a nuclear power plant license and a set of TSs that it has deemed acceptable to meet the regulatory requirements of 10 CFR 50.36. If the NRC or a licensee conclude that a new TS requirement is needed, the process described in RG DG-1351 would be considered the wrong process to follow. This new NRC position is inconsistent with the original definition and guidance provided in Administrative Letter 98-10, the expanded definition provided in NEI 15-03, *"Licensee Actions to Address Nonconservative Technical Specifications,"* and the overall intent of what these two documents address. In the situation where it is determined that a new TS LCO is necessary, the corrective action program and the 10 CFR 50.90 process should be followed.

If you have any questions or require additional information, please do not hesitate to contact Richard Gropp at (610) 765-5557.

Respectfully,

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Exelon Generation Company, LLC