

PRELIMINARY QUESTIONS TO DISCUSS WITH NEI AT THE DECEMBER 3-4 MEETING

Chemical

- A. NEI proposed removing NRC's reference to accidents causing "property damage." Please clarify, in light of Atomic Energy Act section §161(i)(3), why NEI believes NRC should not include property damage in the regulation. NRC must consider environmental impacts, impacts to items relied-upon-for-safety, and minimization of decommissioning costs in its regulatory function. Does NEI view any of these considerations as within the term "property damage" with respect to the ISA hazards analyses?
- B. In every instance in the NEI letter and its attachments, where NEI uses the term "radioactive material" (RAM), doesn't NEI actually mean "licensed material?"
- C. NEI comments identified those chemicals "added to," "used in," and "recycled from," RAM as beyond NRC's purview. Use of these phrases could be confusing (e.g., chemicals used in RAM are within the NRC purview while mixed; similarly, oil required to lubricate an item relied on for safety seems within NRCs purview). Is "commingled" a clearer term? Further, how are chemicals "recycled from RAM" (which NEI says are not NRC purview) different than "hazardous chemicals produced from RAM" (NEI says within NRC purview)?
- D. NEI proposed changing the §70.60 chemical consequence limit for the public (in addition to the worker), which would not be protected by OSHA but presumably by EPA under 40 CFR Part 68. NEI's basis for all the suggested changes appears to be the NRC-OSHA relationship as defined in the MOU. What is the basis for the changes to the *public* consequence limits?
- E. How exactly does NEI's proposal address the NRC-OSHA MOU item (c), i.e., "plant conditions which affect the safety of radioactive materials and thus present an increased radiation risk to workers?"

SRP

- A. NRC's intent is that the SRP is a guidance document, and only a guidance document, for staff use in reviewing a license application or renewal. NRC also intended that the SRP would be applied in a graded manner on a site-specific basis depending on the results of each site's Integrated Safety Analysis (ISA). Would NEI still have the concerns voiced in its November 25 letter if the SRP more clearly articulated that the SRP was only a guidance document?
- B. In a number of instances, NEI's comments conclude that certain SRP sections, and contents within some sections, (e.g., maintenance, documenting the design bases, NQA-1, Fire Hazards Analysis, etc.) should not be included in the SRP. NRC's intent is that the focal point of the SRP is the ISA chapter, and that the acceptance criteria for specific types of measures would apply only when they relate to items relied on for safety as determined by the ISA. Do NEI proposals for eliminating items from the SRP recognize that they would only apply if they are applied to items relied on for safety? If not, is there only a need to clarify this context, or do some of NEI suggestions for elimination still stand?

PRELIMINARY QUESTIONS FOR DECEMBER 3-4 MEETING (cont)

SRP (cont)

C. With respect to configuration management, how does NEI propose that credible ISAs are to be conducted if the design bases and as-built configuration are incomplete, or not well documented or understood? Further, how are changes to a facility assessed with respect to safety if these items are deficient?

D. What is NEI's basis for concluding that Part 70 licenses do not license the design of a facility in light of 70.23(a)(3) and 70.23(a)(4) which requires that the applicant's equipment, facilities and procedures are adequate to protect health and minimize danger to life or property?

Criticality

A. It is NRC's understanding that NEI is advocating that criticality risks and controls should not be treated differently than other risks and controls. What are NEI's specific concerns, and proposed resolutions, applicable to the 1) proposed rule, and 2) SRP?

B. Is NEI advocating that double-contingency should be required without requiring that a specified low probability be achieved or is NEI advocating that only achieving a specified low probability be required without requiring double-contingency?

ISA in License

A. On what basis does NEI propose that NRC base its safety conclusion?

B. It is NRC's understanding that NEI believes that a 50.59 type clause in Part 70 would result in a reduced ability for licensee's to make minor modifications to the plant. Is this correct? If so, why would this be the case? Why do licensees' believe that the proposed rule would result in a larger number of license amendments than present?

C. What controls currently exist at licensed facilities for plant modifications?