

Response to Comments - Chapter 5 - Nuclear Criticality Safety

Comment No.	Source	Comment	Disposition
5.1	NEI	The expressed willingness of the NRC to accept an applicant's commitment to either industry-accepted or ANSI standards, rather than to require lengthy discourses in the application on how a particular procedure will be met, is another commendable improvement.	Agree only in part. Standards are often vague. A description in sufficient detail to show that the applicant's practices meet the standard is often needed, in addition to a commitment. This will be clarified in revised text.
5.2	NEI	Our remaining concerns with draft SRP Chapter 5 focus on the need for a clearer definition of the scope of the reviewer's assessment and, in particular, to prevent duplicate reviews of the ISA, ISA Summary (Chapter 3) and Organization and Administration (Chapter 2) as they apply to NCS.	Agree in part. The SRP will be more clearly written so as not to require duplicative reviews. Criticality reviewer must coordinate with other reviewers. Review of ISA Summary is a totally separate task but technical reviewers will assist as needed in its review.
5.3	NEI	As written, the scope of the reviewer's assessment remains too broad and duplicative.	Disagree in part. The intent is that the scope be only the NCS program. Text will be clarified to reflect this.
5.4	NEI	Chapter 5 should focus the reviewer even more on an assessment of the applicant's commitments to design and implement an NCS program, and not on the details of how the program will be implemented.	Disagree in part. The focus should be on both general commitments and how the commitments will be met. Thus the focus is on whether the content and level of detail of the committed practice is adequate, as well as on whether or not it is a commitment.
5.5	NEI	On several occasions, NEI has excerpted language from the draft SRP for the AVLIS facility (draft NUREG-1701) where such language is more clearly and succinctly expressed than in draft NUREG-1520.	Agree. This language will be reflected in the revised chapter as appropriate.
5.6	NEI	NEI has recommended clarification and tightening up of the draft language throughout the Chapter 5.	Specific aspects of the SRP which public comments have indicated are not sufficiently clear, will be clarified.

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5.7	NEI	Many of NEI's comments have been prompted by the need to more closely tie the NCS program to the ISA. The two are inextricably linked.	Agree in part. The NCS program is linked to the ISA and ISA Summary. However there are other parts of the regulation retained from the existing rule(i.e., other than Subpart H) that address criticality safety. The SRP must address all parts of the regulation.
5.8	NEI	[In §5.3(2) ('Areas of Review')], the reviewer must review, but not approve, the facility's proposed organization and administration (SRP Chapter 2) to understand how the NCS program fits into the overall plant management.	Agree in part. Approval by the NCS reviewer is done in SRP Chapter 2 as a Secondary Reviewer.
5.9	NEI	[In §5.3(3) ('Areas of Review')] the reviewer must be directed to review for familiarity, but not to approve, the results of the ISA (as summarized in the ISA Summary) pertaining to NCS-related processes.	Agree. in part. The reviewer for Chapter 5 reviews NCS programmatic requirements, and may help review the adequacy of controls specified for selected accident sequences reported in the ISA Summary. There will be a criticality specialist reviewer for the ISA, but this is a separate task, and may be a different individual. SRP text will be clarified.
5.10	NEI	Several instances remain where the SRP accepts an applicant's commitment to an ANSI standard, but then seeks even broader commitments. For example, the second paragraph of §5.4 states that an applicant's commitments to adhere to an NRC-endorsed standard constitute "...an acceptable NCS program...". But the guidance then requests "...more specific commitments in the application..." Such specific commitments should not be necessary.	Disagree in part. The intent of the use of the phrase "more specific commitments" is that many of the requirements statements in the ANSI standards are at a very high level, hence lack specificity. For these general requirements, an actual description of how the applicant's practices actually meet the language of the standard is what is needed. The level of detail varies, but can be the same or less than current licenses. The text of the SRP will be clarified.

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5.11	NEI	ANSI/ANS 8 series standards are sufficiently detailed that such additional commitments should not be necessary.	Disagree in part. The ANSI/ANS-8 series standards contain a minimal set of requirements on which it was possible to reach consensus. A few additional requirements are occasionally needed for health, safety, and environment issues beyond the consensus standards.
5.12	NEI	Inclusion of such additional information in the safety demonstration section of the license would be more appropriate.	Disagree. Based on the new rule, there is no separate demonstration section of the license.
5.13	NEI	<p>There are several instances in which draft SRP Chapter 5 requires commitment to a principle or condition that is already contained in an ANSI/ANS 8 standard. There is, therefore, no need for re-commitment to something already embraced in the standard. Such duplicative statements should be removed. For example:</p> <p>(i) §5.4.3.2(2b) is part of ANSI/ANS-8.1 and is not needed (<i>"The applicant commits to provide instruction in the Training program regarding the use of Process Variables as NCS controls"</i>)</p> <p>(ii) §5.4.3.3.2(1) is a statement of practice rather than an acceptance criterion and should be deleted (<i>"Although the applicant may use a single NCS control to maintain the values of two or more Controlled Parameters, this use constitutes only one component necessary for Double Contingency Protection"</i>)</p> <p>(iii) §5.4.3.3.2(7) and (8): These two statements are contained in ANSI/ANS-8 and need not be repeated in this section of Chapter 5</p>	Disagree. Some standards are sufficiently specific that commitment in the application to the standard in total is acceptably enforceable. For the general standards, such as the overall standard ANSI/ANS 8.1, the training standard, the administrative standard, and the emergency response standard, the requirements are very general. Hence it is necessary that the application contain descriptions of practices that demonstrate compliance with each of the individual general requirements statements of such standards. Items (i) and (ii) provide guidance to the reviewer concerning two problematic areas of specific standards. For instance, double contingency is interpreted differently by different individuals, hence an acceptable application should give the applicant's interpretation and commitments.

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5.14	NEI	On nineteen occasions the SRP requires the applicant to "...commit to the requirements ..." of an ANSI/ANS-8 standard. Such an all-encompassing, blanket commitment to adhere to every detail of the standard is unnecessarily broad. Specific elements of a standard may not be appropriate for every license applicant and may not be required for a facility operation based upon the results of the ISA.	Agree in part. The introduction to the SRP will clarify that commitments to standards need only be made when applicable and necessary, and may be qualified as needed. However, applicants should directly address how they would deviate from the "shoulds" and "shalls" in each standard with which the applicant proposes to comply. Reviewers must be able to determine what the applicant does and does not adopt in a referenced standard.
5.15	NEI	NEI recommends, therefore, that the SRP language be revised to cite a specific ANSI/ANS (or comparable industry standard) as guidance to the applicant in preparing license commitments.	Agree. The SRP has attempted to cite specific ANSI/ANS consensus standards, and will be reviewed to assure that specificity is maintained throughout.
5.16	NEI	The applicant should not, however, be inextricably bound to adhere to every detailed provision and element of the standard, but rather only to its broad principles and to those detailed elements dictated by the results of the ISA to be important for minimizing risks to human health and safety and the environment. In other words, an applicant's commitments should be <i>consistent with</i> the guidance provided in the standard (or regulatory guide).	Disagree in part. Applicants are not inextricably bound to adhere to every requirement in the standards. However, to comply with a standard, an applicant's program must adhere to every element of the standard that is a requirement (a shall), unless directed by the Regulatory Guides to be different. If the applicant's program so complies, it will, in general, be accepted by the reviewer . Most of the words in standards requirement statements are necessary. When literal compliance is not needed in a particular case, the reasons should be explained. See also disposition of comment 5.14.
5.17	NEI	NEI provided a complete proposed rewrite of SRP Ch.5	Staff assessed the suggested revisions and incorporated those revisions that were appropriate, as modified by the staff for consistency and adequacy.
5.18	NEI	Consistency in the use of capitalized words in the SRP, references, etc.	Agree. Changes will be made to ensure consistency throughout the SRP and with the rule.
5.19	NRC Staff	Add to §5.3, revised §5.3.1, and revised §5.4.3.1 to explicitly identify the management of the NCS program.	Clarification will be made to remove ambiguity and to allow for insertion of some of NEI's revisions.

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5.20	NRC Staff	Add to §5.4 that both commitments and descriptions on how the commitments will be met are necessary.	Clarification to remove ambiguity about the interpretation of the Acceptance Criteria.
5.21	NRC Staff	Add to §5.4 that the use of standards are necessary but not sufficient and non-use of the standards requires explanation.	Clarification to remove ambiguity about the interpretation of the use of standards.
5.22	NRC Staff	Add to revised §5.4.3.2 that requirements apply to NCS staff as well.	Correction. This was inadvertently omitted from the SRP before.
5.23	NRC Staff	In revised §5.4.3.3, change to corrective actions function.	Will be revised for consistency.
5.24	NRC Staff	In §5.5.1, change to new name of licensing branch.	Will be revised for consistency.