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Subject: Supplementary Information Related to 10 CFR 50.69

November 18, 2011

Mr. Frederick D. Brown
Director, Division of Inspection & Regional Support
Office of Nuclear Regulatory Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Supplementary Information Related to 10 CFR 50.69

Project Number: 689

Dear Mr. Brown:

NEI's May 2, 2011 letter to NRC provided comments on NRC Draft Inspection Procedure 37060, "10 CFR 50.69 Risk-Informed Categorization and Treatment of Structures, Systems, and Components Inspection." Our fundamental comments were as follows:

- 1) 10 CFR 50.69 is a risk-informed, performance-based rule. We would note that the draft inspection procedure emphasizes programmatic considerations, primarily relative to the treatment of low safety significant components. We would suggest the procedure be revised to de-emphasize the programmatic considerations for RISC-3 (low safety significant) treatment and to emphasize considerations for RISC-1 and RISC-2 equipment, which is safety-significant. It should be noted that the Commission made a deliberate decision not to create a Regulatory Guide for RISC-3 treatment under 10 CFR 50.69. In effect, the draft inspection procedure appears to create regulatory guidance for RISC-3 treatment and in so doing, goes beyond the rule language and includes words such as "must," reflecting "requirements" that do not exist in the rule. Requirements cannot be established through inspection procedures.
- 2) NRC's risk-informed regulatory approach is based on the concept that regulatory resources should be applied commensurate with safety significance, and it is not clear this draft procedure follows that approach. Since all potential findings would be evaluated under the significance determination process, the draft procedures approach of targeting of RISC-3 treatment for inspection would likely lead to insignificant findings that are incongruent with the inspection resources implied in the approach. These resources would be better used evaluating more safety-significant equipment.

Sincerely,

Biff Bradley

Attachments

1. Attachment 1 – EPRI Report 1011234
2. Attachment 2 – EPRI Report 1009748
3. Attachment 3 – EPRI Report 1009669

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