**Comment Resolution Summary**

**Resolution of Comments for**

**IP 37060**

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| --- | --- | --- | --- |
| **Source** | **Comment** | **Added** | **Remarks** |
| OE | None | N/A | N/A |
| NRR #1 | Licensees may voluntarily comply with the requirements of 50.69 as an alternative to compliance with 50.72 & 50.73 for RISC-3 and RISC-4 SSCs.  Reports are not required under 50.69 for failures of RISC-3 and RISC-4 SSCs.  Systems that can be classified as RISC-3 SSCs are most likely currently in scope under 50.72 & 50.73; as a result, failures of these systems would no longer be reported to the NRC.  I think here is where confusion can develop and may be worthy of concentrating an effort during an inspection:  50.69 does not alleviate 50.72 & 50.73 reporting for RISC-1 and RISC-2 SSCs; it provides additional reporting requirements.  I think that there is a good potential for a licensee to mistakenly conclude that since a RISC-1 or RISC-2 failure is not reportable under 50.69, it is therefore not reportable under 50.72 or 50.73.  RISC-1 and RISC-2 failures need to be independently evaluated under 50.72 & 50.73 for reporting. | Yes | The following will be added to paragraph 02.04.l Reporting:  For RISC-1 and -2 SSCs confirm the licensee is implementing reporting requirements not required by 10 CFR 50.69(g), i.e. 10 CFR part 21, 50.72, and 50.73 reporting requirements. Only RISC-3 and -4 SSCs are exempt from 10 CFR part 21, 50.72, and 50.73 reporting requirements. |
| NRR #2 | 50.69 states licensees shall submit a licensee event report under 50.73(b) for any event or condition that prevented, or would have prevented, a RISC-1 or RISC-2 SSC from performing a safety significant function.  We have spent way too much time in 50.72 & 50.73 regarding what the threshold for "prevented, or would have prevented" is.  Unless this is explicitly called out in 50.69 guidance (the SOCs don't seem to go into that much detail), a lot of inspector and staff effort will be wasted in determining if an event or condition prevented, or would have prevented, a RISC-1 or RISC-2 SSC from performing a safety significant function. | Yes | See remarks for NRR #1 for resolution. |
| NRR #3 | In Section 02.01 on page 2, second paragraph, last sentence, delete the extraneous phrase “. . . **the NRC developed** . . . “. | Yes | Concur with editorial comment |
| NRR #4 | In Section 02.02.a on page 4, the sentence should read “ . . . safety evaluation **of** the license amendment application.” | Yes | Concur with editorial comment |
| NRR #5 | In Section 02.02.b on page 4, we may consider deleting the phrase “ . . . **and the approval by the NRC as documented in the SER**” since it is not clear at this time whether the LAR will contain a discrete description of the alternate treatments. | Yes | Concur with comment and deleted the reference to UFSAR chapter that describes the licensee’s risk-informed treatment requirements approved by the NRC. |
| NRR #6 | In Section 02.03.a on page 5, second paragraph, second sentence should read “**A** licensee will submit . . . . the information required by 10 CFR 50.69**(b)**(2)“. | Yes | Concur with editorial comment |
| NRR #7 | In Section 02.03.h on page 9, second paragraph, we may consider deleting the last sentence since it is not clear at this time whether the LAR will contain a discrete description of RISC-1 and RISC-2 treatments. | Yes | Concur with the comments and have deleted the last sentence. |
| NRR #8 | In Section 37060-03, Resource Estimate, second paragraph, reword first sentence to read, “The time necessary to perform this IP is estimated at 40 to 80 hours **per team member**.” This will clarify for budget purposes that the total effort is 120 – 240 hours. | Yes | Concur with editorial comment |
| NRO #1 | Various editorial comments | Yes | Concur with editorial comments. |
| NRO #2 | Paragraph 02.01.  Comment: Insert before the last paragraph;  In the final rule dated November 22, 2004 (69 FR 68008) issuing 10 CFR 50.69, the Commission discussed in the Statements of Consideration its plans for inspection and enforcement related to implementation of the rule. For example on pp. 68012 and 68044 of the *Federal Register* Notice, the Commission stated that the principal focus of the inspections will be on the safety significant aspects of 10 CFR 50.69 implementation, such as categorization and treatment of RISC-1 and RISC-2 SSCs. The Commission stated that the inspections will also consider the implementation of RISC-3 treatment focusing on programmatic and common cause issues, which could undermine the categorization process and its results. The inspections will be performed on a sampling basis to gather information that will enable the NRC to assess whether modifications are needed to the ongoing baseline inspection program. The Commission noted that the inspections might help gather operating experience information on RISC-3 SSCs that can be provided to other licensees. | No | Comment not incorporated. All these expectations: focusing on risk significant issues, ensuring that the rule resulted in no unintended consequences, looking for common cause type of problems are all part of the current ROP program so there is no need to state it here. |
| NRO #3 | Paragraph 02.02.c  Comment: Reword paragraph 02.02.c as follows:  *Federal Register* Notice (69 FR 68008, dated November 22, 2004)– Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Plants (Agencywide Documents Access and Management System (ADAMS) Accession No. ML042960073). | Yes | Concur with comment. |
| NRO #3 | Paragraph 02.02 last sentence of the last paragraph rewrite as follows:  In addition, the American Society of Mechanical Engineers (ASME) has prepared guidance for the treatment of low-risk safety-related pumps and valves in Part 29, “Alternative Treatment Requirements for RISC-3 Pumps and Valves,” of the ASME OM Standards and Guides for the ASME *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code), although the NRC staff has not reviewed or accepted the ASME guidance at this time. | Yes | Concur with comment |
| NRO #4 | Paragraph 02.04.a through l.  Comment: State the associate page of the *Federal Register* Notice (69 FR 68008, dated November 22, 2004)– Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Plants for each paragraph. | Yes | Concur with comment. |
| NRO #5 | 37060-04 Training  Comment: delete “and treatment” from the following sentence:  The NRC Headquarters staff will evaluate the description of the categorization process as part of the license amendment review and will document its findings in a safety evaluation report. | Yes | Concur with comment. Paragraph 50.69(b)(4) states “An applicant choosing to implement the section (10 CFR 50.69) shall include the information in paragraph 50.69(b)(2) as part of application.” This does not prevent a licensee from submitting their alternative treatment process/intent as part of the license amendment for 10 CFR 50.69. The following will be added after “and treatment” (if submitted with the license amendment). |
| R-I | None | N/A | N/A |
| R-II #1 | Define RISC 1,2,3,4 | No | The Definitions for RISC -1, 2, 3, and 4 are located at section B of RG 1.201. The definitions for RISC -1, 2, 3, and 4 are:  RISC -1 SSCs are safety-related SSCs that the risk-informed categorization process determines to be significant contributors to plant safety. Licensees must continue to ensure that RISC-1 SSCs perform their safety-significant functions consistent with the categorization process, including those safety-significant functions that go beyond the functions defined as safety-related for which credit is taken in the categorization process.  RISC-2 SSCs are those that are defined as nonsafety-related, although the risk-informed categorization process determines that they are significant contributors to plant safety on an individual basis. The NRC staff recognizes that some RISC-2 SSCs may not have existing special treatment requirements. As a result, the focus for RISC-2 SSCs is on the safety-significant functions for which credit is taken in the categorization process.  RISC-3 SSCs are those that are defined as safety-related, although the risk-informed categorization process determines that they are not significant contributors to plant safety. Special treatment requirements are removed for RISC-3 SSCs and replaced with high-level requirements. These high-level requirements are intended to provide sufficient regulatory treatment, such that these SSCs are still expected to perform  their safety-related functions under design-basis conditions, albeit at a reduced level of assurance compared to the current special treatment requirements. However, §50.69 does not allow these RISC-3 SSCs to lose their functional capability or be removed from the facility.  RISC-4 SSCs are those that are defined as nonsafety-related, and that the risk-informed categorization process determines are not significant contributors to plant safety. Section 50.69 does not  impose alternative treatment requirements for these RISC-4 SSCs. However, as with the RISC-3 SSCs, changes to the design bases of RISC-4 SSCs must be made in accordance with current applicable design change control requirements (if any), such as those set forth in 10 CFR 50.59. |
| R-II #2 | Broader comments, First 5 pages go on to create deterministic regulatory philosophy, then the concept of risk informed is introduced.   Is it necessary to discuss deterministic regulatory philosophy to this level of detail in an Inspection Procedure? | No | The information in the first five pages are intended to provide the inspection team an understanding of the 50.69 regulation given the limited experience within the agency and industry with 50.69. Inspectors do not have to review the front matter of the inspection procedures it is for information processes only. |
| R-III #1 | Paragraph 02.04.b  Excerpt: For the sampled SSCs, the inspector should evaluate the implementation of the licensee’s PRA…  Recommendation: Reword:  For the sampled SSCs, the SRA should evaluate the implementation of the licensee’s PRA… | Yes | Concur with comment. Inspector will be replaced with SRA inspection team member. |
| R-III #2 | Paragraph 02.04.d  Excerpt: For example, the function of the containment and its systems must not be significantly degraded when SSCs are moved to the RISC‑3 category.  Recommendation: Special treatment does not equate to degradation of SSC function. Recommend deleting this example. | No | The example of containment spray was intended to demonstrate how defense in depth is maintained in a 50.69 special treatment program. Alternative special treatment applied under 50.69 special treatment program should ensure that RISC-3 SSCs are fully capable of performing their intended safety-related function under design basis conditions. |
| R-III #3 | Paragraph 37060-05  Excerpt: A nuclear power plant granted a license amendment to implement 10 CFR 50.69 may be allowed to remove the special treatment requirements in the NRC regulations for most of its safety-related SSCs based on their categorization as RISC-3 SSCs.  Recommendation: Reword:  based on their categorization as RISC-3 and RISC-4 SSCS. | No | RISC-4 SSCs are nonsafety-related SSCs that perform low safety significant functions. It is assumed that nonsafety-related SSCs will not have special treatment applied prior to implementing a 50.69 special treatment program, and that RISC-4 SSCs will continue to have no special treatment requirements under a 50.69 special treatment program. |
| R-III #4 | Paragraph 02.01  Excerpt: These prescriptive requirements … In many instances, the NRC developed these “special treatment” requirements ~~were developed~~ as a means to gain assurance when more direct measures (e.g., testing under design‑basis conditions or routine operation) could not show that SSCs were functionally capable.  Recommendation: Reword | Yes | Concur with editorial comment. |
| R-III #5 | Paragraph 02.04(e)  Excerpt: For the sampled SSCs, the inspector should confirm that the licensee’s evaluation performed to satisfy 10 CFR 50.69(c)(1)(iv) demonstrates that failure of all components categorized as RISC‑3 will result in a small change to core damage and ~~a~~ large early release frequency.  Recommendation: Reword | Yes | Concur with editorial comment. |
| R-IV #1 | Paragraph 02.03.b.  Comment: This section appears to contradict itself. It states, “NRC’s review . .. will consider the adequacy of the PRA by focusing on the results of the peer review and the actions that the licensee has taken to address any peer review findings. However, it goes on to state, “The Commission has determined that a focused NRC review of the PRA is necessary because the key assumptions and modeling parameters exist that can have a significant impact on the results.”  It is not clear that focusing on the peer review meets the Commission’s requirement to have a focused NRC review of the PRA. | Yes | Concur with comment. The following will be added to Paragraph 02.03.b “will consider the adequacy of the PRG by focusing at a minimum on severe accident scenarios models resulting from internal initiating events occurring at full power operations and sufficient quality and level of detail to support the categorization process. The PRA must be subject to a peer review process assessed against a standard or set of acceptance criteria that is endorsed by the NRC.” |
| R-IV #2 | Paragraph 02.03.d.  Comment: This section states that licensee’s must maintain defense-in-depth requirements and demonstrate that the function is not significantly degraded. However, there is no standard or guidance to the inspector in this paragraph, nor in Paragraph 02.04.d that defines acceptable degradation of RISC-3 SSCs. | Yes | The following was added to paragraph 02.03.d and 02.04.d:  RISC 3 SSCs are considered degraded if it is not fully capable of performing its intended safety-related functions under design basis conditions, including seismic conditions and environmental conditions and throughout their service life. |
| R-IV #3 | Paragraph 02.03.e.  Comment: The fourth paragraph in this section discusses the basis for denying a licensee’s application under 50.69. This doesn’t belong in an inspection procedure confirming implementation of an approved license amendment. | Yes | Concur with comment. The following will be deleted from the fourth paragraph of this section: “However, if there is an indication that the baseline CDF or LERF may be considerably higher than 10-4 or 10-5, respectively, the licensee must either find ways to reduce risk and present the arguments to the NRC staff before implementation of 10 CFR 50.69; otherwise, the NRC will likely deny the 10 CFR 50.69 application.” |