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January 10, 2000

Rules and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Comments to Draft Regulatory Guide DG-1082, "Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants"

Dear Sir or Madam:

On December 15, 1999, the U.S. Nuclear Regulatory Commission ("NRC") published in the *Federal Register* a notice concerning the issuance and availability of Draft Regulatory Guide ("DG") 1082, "Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants." 64 Fed. Reg. 70,098. DG-1082 was developed as proposed guidance for implementing certain provisions of the NRC's Maintenance Rule. It endorsed revised Section 11 of the Nuclear Energy Institute's ("NEI") guideline 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants." Comments on DG-1082 by the Maintenance Rule Inspection Clearinghouse ("MRIC") are set forth below.¹ In general, the

¹ The Maintenance Rule Inspection Clearinghouse is a consortium of utilities formed to follow implementation of the NRC's Maintenance Rule and to prepare for the associated inspections. MRIC members own or operate more than 30 of the nation's power reactors. The members of the MRIC are American Electric Power, Commonwealth Edison Company, Entergy Operations, Public Service Electric & Gas Company, Rochester Gas & Electric, and Southern Nuclear Operating Company.

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MRIC agrees with the principles behind the development of this guidance — namely, to provide guidance for licensees to assess and manage the risk impact resulting from performance of maintenance activities. Some specific provisions, however, appear to require revision prior to issuance of the final regulatory guidance. These matters are discussed in the attached comments.

We also want to take this opportunity to commend the NEI for its clearly substantial efforts in developing this guidance, and the Staff for its efforts to solicit and consider stakeholder input on the development and implementation of this draft regulatory guidance. We urge the NRC to continue the practice of working with industry groups, such as MRIC and NEI, to develop and implement this and other guidance.

Sincerely,

Sheldon L. Trubatch
Counsel to the MRIC

Comments of the Maintenance Rule Inspection Clearinghouse

1. Section 11.3.2, paragraph 2, fifth bullet: this bullet would require consideration of "[t]he likelihood that the maintenance activity will significantly increase the frequency of a risk-significant initiating event (e.g., by an order of magnitude or more)." No document other than NUREG/CR-5392 has been identified that contains any methods by which these initiating events would be selected. In addition, we are unaware of any NRC methodology to determine which types of activities would increase the risk from an initiating event by a specific amount. Under these circumstances, we suggest that the wording of this bullet be expanded to emphasize that the determination of the threshold for considering the impact of a maintenance activity is up to the informed discretion of each licensee by adding to the phrase in brackets "as determined by each licensee, consistent with its obligation to manage maintenance-related risk."
2. Section 11.3.3 lists several characteristics which would make a PSA acceptable for use in defining the 10 CFR § 50.65(a)(4) assessment scope. Appendix E lists several "attributes" and/or "characteristics" of a PSA for the same purposes. These PSA features should consistently be characterized as "reasonably" reflecting the as-built plant configuration. Moreover, the term "reasonably" should be understood to mean that a difference between the as-built plant and its description in the PSA is important only if the difference could realistically result in the incorrect assessment or management of maintenance-related risk. A similar test should be applied to determine the adequacy of the PSA modeling of inter-system dependencies. This qualifier is not contained in Section 11.3.3, item 2, first bullet, and should be added.
3. Section 11.3.3, item 2, third bullet: this bullet introduces a new term, "segments of systems." Because this term does not have a history of clarifying interpretation, the guidance should explicitly provide that the determination of appropriate system segments for the purposes of this rule will be left up to the sound discretion of each licensee, consistent with its obligation to manage maintenance-related risks.
4. Section 11.3.4, first paragraph: the phrase "when not composed of redundant trains" could be explained to ensure consistency in understanding by noting that the intent of this provision is to not require a Section 50.65(a)(4) assessment for maintenance of either one train of a multi-train redundant system or of a single train system.
5. Section 11.3.5. We suggest that the following statement be added after the last sentence: "This may require assessment of SSCs not currently scoped in the rule under the requirements of Section 8.2.1." Current guidance in Section 8.2.1 for determining which

SSCs fall within the scope of the rule only requires inclusion of safety related SSCs required to remain functional after a design basis event, and any non-safety related SSCs that could impact that functional ability. This may not encompass many of the SSCs utilized in the normal refueling outage process and for which significant credit is taken in the NUMARC 91-06 shutdown safety assessment process.

6. Section 11.3.7.3 suggests that the performance of maintenance around the clock could be an appropriate action to reduce the overall duration of specific maintenance activities. This risk-reducing strategy should be explicitly recognized to be limited by considerations of human factors, especially concerns related to circadian rhythms. Accordingly, to avoid a situation in which a licensee may be criticized for not implementing this strategy, the reference to the performance of maintenance around the clock should be modified by adding the condition "consistent with human factors."
7. Appendix B, definition of unavailability: We recognize that the NRC has promoted this definition even though it is not completely consistent with prior definitions of unavailability that have been used by some licensees and accepted by the NRC. Accordingly, if this definition is to apply to all maintenance related requirements, the new definition may require some licensees to revise their performance criteria, reestablish the monitoring requirements of 10 CFR §§ 50.65(a)(1) and (a)(2), and re-establish the link to the plant's probabilistic risk assessment. In recognition of these circumstances, the NRC should give licensees time to conform their programs and not expose licensees to enforcement in the interim.