



NUCLEAR ENERGY INSTITUTE

66FR 38332
1/23/01 (9)

RECEIVED

SEP 21 PM 3:32

Rules and Directives
Branch
USNRC

Anthony R. Pietrangelo
DIRECTOR, RISK AND
PERFORMANCE BASED REGULATION
NUCLEAR GENERATION

September 17, 2001

Mr. Michael T. Lesar
Acting Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
Mail Stop: T-6 D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001.

SUBJECT: Industry Comments on Draft Regulatory Guide DG-1110 (*Federal Register* of July 23, 2001, 66 FR 38332)

Dear Mr. Lesar:

The NRC has published DG-1110 as a proposed revision to Regulatory Guide 1.174, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis." The Nuclear Energy Institute¹ offers the following comments regarding the proposed revision:

We do not believe revisions to Regulatory Guide 1.174 are appropriate at this time. Neither the *Federal Register* notice nor the proposed Regulatory Guide contain any explanation of the need, basis, or rationale for the proposed changes. We recognize that NRC SECY-00-0162 stated the staff's intent to modify Regulatory Guide 1.174 to add guidance on PRA quality as an interim measure pending finalization of consensus standards. However, given the ASME standard is in the final stages of approval, the rationale for the interim revision is no longer clear.

¹NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Temple = ADM-013
E-RIDS = ADM-03
Add = J. Lane (SCL1) ABERANEK (AFB)
M. F. Drouin (MXD)

The proposed revisions are extensive and go beyond clarification. They can be interpreted as significantly raising the staff's expectations with respect to PRA capabilities to support licensee change requests. Regulatory Guide 1.174 has proven to be an effective foundation for licensee risk-informed submittals, and has been used extensively. Licensees have developed a reasonable understanding and confidence in its use. Given the large number of NRC approvals of licensee submittals using the existing guidance, it is unclear what inadequacies in the existing Regulatory Guide lead to the need for such significant revisions. Particular areas of concern are as follows:

1. The need to address late containment failure is a significant addition to the current Regulatory Guide. The NRC has not demonstrated a safety rationale for its inclusion. Further, the definition of late containment failure is unclear, and most licensee models do not contain the capability to address it given the use of LERF as a surrogate for meeting the quantitative health objectives in the existing Regulatory Guide.
2. Appendix A establishes attributes of an "acceptable PRA," in considerable detail, as they relate to internal events, fire, seismic, and other PRAs, as well as the peer review process used to verify the attributes. This represents a major departure from the philosophy of the current Regulatory Guide, which does not use the term "acceptable PRA" in the abstract, but rather notes that the PRA should be "commensurate with the application." The extensive list of attributes and peer review expectations provided in the proposed revision is not necessary to support many risk-informed applications, given that there would be focused NRC review of the relevant elements of risk analyses. Further, Appendix A of the proposed Regulatory Guide establishes the expectation that an expert panel should be used to address differences from the stated attributes. The need to evaluate these extensive PRA attributes, and the use of an expert panel in support of every risk-informed application, are significant new expectations, and create large burdens that have not been justified.
3. We have additional concerns with other areas of the proposed Regulatory Guide, including proposed guidance on power uprates (need to consider delta LERF for power uprates resulting in a thermal power greater than 3800 Mwt), and discussion of PRA quality to support specific examples of applications.

U. S. Nuclear Regulatory Commission

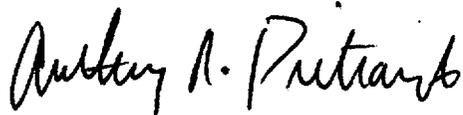
September 17, 2001

Page 3

The draft Regulatory Guide was issued for comment without change bars to indicate the extensive revisions. We note the draft regulatory guide was issued prior to NRC staff concurrence. If NRC decides to pursue the revision to the Regulatory Guide, the final proposed revision should be re-issued for public comment, with the revisions clearly indicated, and with a statement of the purpose and need for each significant change.

We appreciate the opportunity to comment on the draft Regulatory Guide. Please contact me if you desire further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony R. Pietrangelo". The signature is written in a cursive, flowing style.

Anthony R. Pietrangelo