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May 28, 2013

Mr. Joseph G. Giitter
Director, Division of Risk Assessment
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Subject: Industry Comments on the Proposed Commission Initiative to Improve Nuclear Safety and Regulatory Efficiency -- NRC Docket Number: NRC-2013-0064

Project Number: 689

Dear Mr. Giitter,

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ submits comments on the NRC's Proposed Initiative to Improve Safety and Regulatory Efficiency. This initiative was discussed during NRC's April 24, 2013 and May 22, 2013 public meetings. At these meetings NRC staff sought public comments through regulations.gov.

The industry commends the Commission for proposing an initiative that has the potential to re-energize the movement towards a more effective and focused regulatory process and result in an overall improvement in nuclear safety and regulatory efficiency. Past risk-informed activities have shown that to fully attain the goals of the initiative requires good communication and leadership within the NRC and the industry. These two elements are critical to effect a change in industry and NRC staff culture and perspective that will be necessary to achieve a successful conclusion.

The industry generally supports the proposed initiative, where the focus of resources and regulatory actions is on those matters that have greatest safety significance. A risk-informed approach should be based on insights from quantitative risk assessments (probabilistic risk assessments (PRAs) for power reactors and integrated safety assessments (ISAs) for fuel cycle facilities). If quantitative information and insights are unavailable qualitative risk assessments should be performed. Such concepts are not new. The industry and NRC have been engaged in implementing individual risk-informed activities for at least 30 years.

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

We believe the initiative should have three phases:

1. Existing activities: Risk-informed regulatory activities that have been completed or are in progress; examples being seismic PRAs and the implementation of 10 CFR 50.48(c) NFA 805, Alternate Fire Protection Rule;
2. The prioritization process referenced in the commission's directive, COMGEA-12-0001/COMWDM-12-0002, for regulatory actions that reflects risk significance on a generic and plant-specific basis. We believe this phase is linked to the cumulative effects of regulations activity (the industry's project on addressing the cumulative impact of industry and NRC actions); and
3. The next steps in a risk-informed framework, which have yet to be defined.

The industry's proposal on prioritization for power reactors, which is outlined in attachment 2, will address risk considerations and contributors but full scope, Level 1 and Level 2 PRAs are not needed specifically to support the prioritization initiative. The prioritization application in itself will not substantially incentivize PRA development beyond current levels. Requiring full scope, Level 1 and Level 2 PRAs that meet the consensus standards and guidance as a precursor to prioritization would significantly delay the prioritization initiative that is needed to address current industry and NRC needs. Fuel cycle facilities would monitor the progress of power reactor prioritization and incorporate lessons learned into the development of a regulatory prioritization process for fuel cycle facilities.

Risk-informed regulatory activities should result in a reallocation of resources so that resources and actions are committed to matters of high safety significance before those of less significance. Failure to rebalance the resource loading will result in a more diffuse focus on safety and a licensee reluctance to adopt additional risk-informed applications.

We recognize that a primary goal of the proposed initiative is to incentivize PRA development, with the intent that operating reactors develop PRAs that meet endorsed consensus standards. The industry agrees with this goal. We are moving towards the desired endpoint at the maximum pace that is controlled by limited skilled resources and infrastructure. The development of PRA applications is a time and resource intensive process: the development of PRA consensus standards, the development of PRA models that meet consensus standards, performing peer reviews and the disposition of findings, and subsequent NRC reviews and requests for information. In total, this is a multi-year process for each scope expansion, with all operating plants competing for a limited pool of skilled resources.

Significant progress has been made. Consensus standards have and continue to be developed. PRA applications are being completed and pursued. All power reactor licensees have developed internal events at power models, which have been evaluated to NRC endorsed standards. A large majority of power reactor licensees is in the process of developing or improving their fire PRAs to meet the NRC endorsed standard and additional NRC expectations relative to methods. Seismic PRAs are being developed, as reflected in the sequenced scheduling of post Fukushima seismic analysis activities.

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Additional input is provided in Attachment 1.

Attachment 2 provides a general outline of the prioritization process for a generic issue prioritization process and the development of plant-level integrated schedules.

We welcome further NRC and stakeholder dialogue on this activity. If you have any questions regarding these comments, please contact me or Biff Bradley (202.739.8083; reb@nei.org).

Sincerely

A handwritten signature in cursive script, appearing to read "A. Heymer".

Adrian Heymer

- c. Mr. Lawrence E. Kokajko, NRC
- Mr. John D. Kinneman, NRC
- Mr. Hoessein G. Hamzehee, NRC
- Mr. Michael R. Snodderly, NRC
- Mr. Timothy A. Reed, NRC
- Ms. Tara Inverso, NRC