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Mr. Ronald K. Frahm  
Performance Assessment Branch  
Division of Inspection and Regional Support  
Office of Nuclear Reactor Regulation, Mail Stop OWFN 7G13  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Industry Comments on Draft SECY on New Plant Risk Framework (ML13169A372)

Dear Ron:

On behalf of the nuclear industry, the Nuclear Energy Institute (NEI)<sup>1</sup> appreciates the opportunity to provide industry comments on the Reactor Oversight Process (ROP) as it would apply to new plant designs. We are providing these written comments to supplement comments presented orally at our August 5, 2013 public meeting on this topic.

We appreciate the considerable effort the staff has put into the draft SECY<sup>2</sup>. We also appreciate efforts you have made to interact with stakeholders throughout this process. Unfortunately, with the cumulative impacts of other regulatory and industry activities, it has only been in recent weeks that we have been able to marshal the resources needed to carefully consider the implications of the draft SECY released on June 26, 2013. We shared our high level concerns with you in the August 5 public meeting. The attachment to this letter presents our detailed comments.

We would highlight four broad concerns:

1. The existing ROP significance determination process (SDP) was developed on the basis of many years of operating experience and active industry participation. A significant change to the SDP, like the one proposed in the draft SECY, should be developed on a similar basis. Rather than continue

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<sup>1</sup> 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.

<sup>2</sup> Draft memo from R. W. Borhardt to The Commissioners, "Recommendations for Risk-Informing the Reactor Oversight Process for New Reactors", ADAMS Accession Number ML13169A372.

expending precious NRC and industry resources to develop the process proposed in the draft SECY, we suggest that the NRC utilize existing processes to ensure appropriate regulatory response for new plants. When there is enough new-plant operating experience and peer-reviewed PRA data to provide a technical and experiential basis for revising the ROP SDP, then development can proceed more efficiently on an empirical, rather than theoretical basis.

2. The draft SECY reads as if the integrated approach presented in Enclosure 2 is the direction in which the staff intends to go and all that is left to do is to refine it. We understand from our discussions at the August 5 meeting that mentions of the integrated approach were meant to be hypothetical and illustrative, not definitive. We strongly urge that all mentions of the integrated approach, particularly the recommendation, be rewritten to make clear that the draft SECY is not proposing a specific methodology at this time.
3. The draft SECY presents sound arguments against adopting the relative risk approach for new reactors. As expressed at the July 22 meeting of the ACRS Subcommittee on Reliability and PRA, we agree with the arguments and conclusions. We believe the most significant reasons for not pursuing a relative risk approach are: (a) that it would divert NRC and industry resources away from the majority of plants to focus on issues with lesser significance arising at the safest of plants; and (b) the difficulty in communicating with the public on differences in the treatment given to similar infractions at new and existing plants.
4. At various points, the draft SECY recognizes that changes made in the ROP should be made in a way that is compatible with the existing plants. This means that any changes in performance indicator definitions or thresholds prompted by concerns about new plant features must carefully consider what they would do to existing plant indicators. Similarly, any changes in the existing data requirements necessary to address new plants must consider changes in INPO's Consolidated Data Entry program that would be necessary for implementation. Finally, we hope that any further efforts to modify the ROP for new plants will consider the results of the Independent Assessment of the ROP and the ROP Enhancement Project, which have yet to issue their reports. This is another reason to consider giving the Commission the option to suspend efforts on revising the ROP for new plants until the outcomes of those review efforts are revealed.

We look forward to further discussions on this topic. If you have any questions, please contact me.

Sincerely,

/s/

James E. Slider

Attachment