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March 27, 2019

Jeremy Bowen
Chief, Beyond Design Basis Management Branch
Division of Licensing Projects
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Comments on the Staff's Preliminary Process for the Treatment of Reevaluated Seismic and Flooding Hazard Information in Backfit Determinations

Project Number: 689

Dear Mr. Bowen:

On behalf of the Nuclear Energy Institute's (NEI)¹ members (hereinafter referred to as the industry), NEI appreciates the opportunity to provide comments on the discussion paper² made available during the February 28, 2019 public meeting.³ The discussion paper describes the staff's preliminary process for the treatment of reevaluated seismic and flooding hazard information in backfit determinations.

These comments were developed by subject matter experts from utilities' operating nuclear power plants and other organizations, representing a substantial body of industry technical expertise. Their comments are included in the attachment and are organized to follow the format of the discussion paper.

We trust NRC staff will find these comments useful as it proceeds to finalize the process for the treatment of reevaluated seismic and flooding hazard information as described in the discussion paper. We would be pleased to answer any comments or questions you might have on the contents of this letter. I may be contacted at fap@nei.org or 202-739-8132.

Sincerely,

A handwritten signature in cursive script that reads "Frances Pimentel".

Frances Pimentel

Attachment

c: Mr. Brett Titus, NRR/DLP/PBMB
Mr. Joe Sebrosky, NRR/DLP/PBMB
Mr. Juan Uribe, NRR/DLP/PBMB
Mr. Milton Valentin-Olmeda, NRR/DLP/PBMB

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 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

² Refer to ADAMS Accession #ML19037A443

³ Refer to ADAMS Accession #ML19052A511

Attachment 1

Industry Comments on the Staff's Preliminary Process for the Treatment of Reevaluated Seismic and Flooding Hazard Information in Backfit Determinations

**Industry Comments on the Staff's Preliminary Process for the Treatment of Reevaluated Seismic and Flooding Hazard
Information in Backfit Determinations**

Comment Number/Section/Page	Comment/Basis	Recommendation
1 General comment on overall document	Discussion paper is too informal.	Consider providing this information using a more formal, approved process such as an ISG.
2 Summary, Page 2, Footnote 1	The information in the footnote seems too relevant to be limited to a footnote.	Consider integrating the information in the footnote, other than the first sentence which could be deleted, into the bullets in the summary.
3 Background, Page 3, last sentence in section, "The SRM directs the staff to use the 50.54(f) process to ensure that the agency and its licensees will take the needed actions, if any, to ensure that each plant is able to withstand the effects of the reevaluated flooding and seismic hazards."	The sentence doesn't address the next step.	Add the next sentence from the SRM, "The staff should continue these efforts, utilizing existing agency processes to determine whether an operating power reactor license should be modified, suspended, or revoked in light of the reevaluated hazard."
4 Page 2, Footnote 1.	Footnote 1 should be a bullet not a note. It is a significant part of the plan.	Consider integrating the information in the footnote, other than the first sentence which could be deleted, into the bullets in Section 1.0.
5 3.0 Process, Page 6, 1 st full paragraph, 2 nd sentence, "...licensee can proceed with the change...".	Editorial.	Consider "...licensee can proceed with a change...".
6 3.0 Process, Page 6, 2 nd paragraph under "Category 1," 2 nd sentence, "Additional sites falling in this category may include sites that have made modifications described in the MSA (or other) submittals that have either been implemented at the site or are minor in nature." ⁴ Footnote 4: To the extent MSA modification or actions are credited in the backfit analysis and documented in the NRC staff assessment the staff would expect licensees to treat such modifications	MSA-described modifications should not be added to the commitment management process since such modifications are a voluntary activity beyond the FE/IA process. Sites may not know that a modification or action was credited in the backfit analysis and considered a commitment if it was associated with normal design activities that don't require entering the commitment management process.	Consider removing the sentence, "Additional sites falling in this category may include sites that have made modifications described in the MSA ..." and the associated Footnote 4 for Category 1 sites.

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as regulatory commitments per NEI 99-04, Revision 0.	<p>Footnote 4 on Page 6 states "to the extent MSA modification or actions are credited in the backfit analysis and documented in the NRC staff assessment the staff would expect licensees to treat such modifications as regulatory commitments per NEI 99-04, Revision 0. This discussion applies to Licensees in Category 1. Similar statements are made in the other referenced sections of this comment. The referenced footnote applies to MSAs, but this comment applies to any document submittal for which this comment applies (e.g., FEs and IAs).</p> <p>Most Licensees clearly identify regulatory commitments in documents submitted to NRC. The commitments are documented and maintained in accordance with Licensee procedures consistent with NEI 99-04 Revision 0. If a modification or action in a document submittal is not clearly identified in the submittal by the Licensee as a regulatory commitment, there is likely no tracking or configuration control of that modification or action that will insure that it is maintained. Since the 10 CFR 50.54(f) letter is a request for information, most Licensees did not consider the information provided in these submittals a regulatory commitment.</p>	
7 4.3 Seismic High Frequency Confirmations, Page 9, last paragraph, last sentence starting with, "In addition, as described above, if licensees make changes to actions to resolve relays not meeting the component capacity screening criteria, the staff expects licensees to notify the NRC in	<p>Actions taken by sites that fall within Category 1 may not know that an action taken is considered a commitment if it was associated with normal design activities not requiring the commitment management process.</p> <p>Most Licensees clearly identify regulatory</p>	For Category 1 sites, consider removing the sentence, "In addition, as described above, if licensees make changes to actions to resolve relays not meeting the component capacity screening criteria, the staff expects licensees to notify the NRC in accordance with NEI 99-04, in

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<p>accordance with NEI 99-04, in which case the staff may revisit the conclusion that additional regulatory actions are not warranted...."</p>	<p>commitments in documents submitted to NRC. The commitments are documented and maintained in accordance with Licensee procedures consistent with NEI 99-04 Revision 0. If a modification or action in a document submittal is not clearly identified in the submittal by the Licensee as a regulatory commitment, there is likely no tracking or configuration control of that modification or action that will insure that it is maintained. Since the 10 CFR 50.54(f) letter is a request for information, most Licensees did not consider the information provided in these submittals a regulatory commitment.</p>	<p>which case the staff may revisit the conclusion that additional regulatory actions are not warranted...."</p>
<p>8 4.4 Mitigation Strategies Assessments and Seismic Probabilistic Risk Assessments, Page 10, last sentence of second paragraph, "If licensees make changes to actions credited in the MSA staff assessments, the staff expects to be informed in accordance with the process outlined in NEI 99-04."</p>	<p>Actions taken by sites that fall within Category 1 may not know that the action taken is considered a commitment if it was associated with normal design activities not requiring the commitment management process.</p> <p>Most Licensees clearly identify regulatory commitments in documents submitted to NRC. The commitments are documented and maintained in accordance with Licensee procedures consistent with NEI 99-04 Revision 0. If a modification or action in a document submittal is not clearly identified in the submittal by the Licensee as a regulatory commitment, there is likely no tracking or configuration control of that modification or action that will insure that it is maintained. Since the 10 CFR 50.54(f) letter is a request for information, most Licensees did not consider the information provided in these submittals a regulatory commitment.</p>	<p>For Category 1 sites, consider removing the sentence "If licensees make changes to actions credited in the MSA staff assessments, the staff expects to be informed in accordance with the process outlined in NEI 99-04."</p>

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9 Appendix A	Oyster Creek is listed in the "Deferred" column for the reevaluated flooding hazard.	<p>Recommend moving Oyster Creek to the Category 1 column with the following basis:</p> <ol style="list-style-type: none"> 1. Oyster Creek has submitted the flooding MSA and FE (ML16035A266 and ML17118A003) 2. Oyster Creek has received staff assessments of the flooding MSA and FE (ML18033B744 and ML18038B252) <p>Oyster Creek has received a withdraw letter for Order EA-12-049 (ML18176A071)</p>
10 Appendix A	Dresden is listed in the Category 3 column for the reevaluated flooding hazard.	<p>Recommend moving Dresden to the Category 1 column with the following basis:</p> <ol style="list-style-type: none"> 1. Dresden has submitted the flooding MSA and IA (ML16182A388 and ML17251A365) 2. Dresden has received the staff assessments of the flooding MSA and IA (ML16300A199 and ML18138A385) <p>The regulatory commitments supporting the NRC's backfit analysis is clearly documented in the NRC staff assessment of the IA and in the Licensees submittal document</p>