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General Comment

See attached file(s)

Attachments

06-15-21_NRC_Industry Comments on Draft Appendices to NUREG BR-0058 Revision 5 Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission Docket ID NRC-2017-0091

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Submitted via Regulations.gov

Subject: Industry Comments on Draft Appendices to NUREG/BR-0058, Revision 5, "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission," Docket ID NRC-2017-0091

Project Number: 689

Dear Program Management, Announcements and Editing Staff:

On behalf of the Nuclear Energy Institute's (NEI)[1] members (hereinafter referred to as industry), we appreciate the opportunity to review and comment on the Draft Appendices F through I to NUREG/BR-0058, Revision 5, "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission." [ADAMS ML21096A292, -293, -294, -295] The guidance found in these draft appendices is used by NRC staff when performing cost-benefit analyses. The guidance outlines a high-level framework for establishing creditable data, preparing regulatory decision-making documents, performing probabilistic risk assessments and consequence analyses, and evaluating environmental impacts. We appreciate the staff's continued efforts to develop these documents with a data-driven approach and a risk-informed perspective to support NRC rulemakings. We recognize that these appendices are generic guidance and our comments reflect this.

In general, the industry encourages the NRC's cost-benefit analyses to consider a more representative scope of plants for modeling the range of industry conditions. While we understand the substantial data derived from Peach Bottom and Surry Power Stations greatly contributes to developing the baseline for many of these analyses, we believe that the NRC should consider a wider range of plants and designs than these two

[1] The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to 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 and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

stations. In the same vein, we believe the NRC should ensure that any models of other plants used in developing regulatory analyses reflect the actual condition of the plants in question. We know from the NRC's utilization of SPAR models in the Reactor Oversight Process, for example, that it is essential for the NRC to confirm that the SPAR model reflects the current as-built, as-operated plant before using that model to estimate risk significance of inspection findings. We believe the same accuracy checks should apply when using the SPAR model or other NRC models for event assessments conducted for the development of numeric data to support decision-making.

With regard to NRC rulemakings specific to fuel cycle facilities regulated under 10 CFR Parts 40 and 70, the industry encourages the NRC to reach out to potentially affected licensees earlier in the rulemaking process such that the industry is able to provide relevant and experience-based cost data to inform NRC's estimates. We acknowledge that this is a challenge since the final rule content is not always well understood in the early phases of rulemaking. We have several examples which are symptomatic of this challenge where NRC staff has significantly underestimated the costs associated with a potential new or revised regulation and, in our view, overestimated the rule's benefit. These examples include a proposed Material, Control and Accounting Rule (Part 74), proposed codification of security orders and cyber security requirements (Part 73), and early phases of a Part 21 rulemaking. Other non-rulemaking regulatory initiatives have also fallen victim to this challenge. As such, we continue to be committed to working closely with NRC staff on all future rulemaking initiatives to support the intended outcome of NRC's cost-benefit analyses being more realistic and truly informing the rulemaking.

Overall, the industry finds the supplemental information to the draft NUREG/BR-0058, Revision 5, helpful for expanding the understanding of the basis for the cost-benefit considerations during decision making processes. Appendix H, "Severe Accident Risk Analysis," provides examples that focus on site-specific technical details to develop numeric explanations of cost-benefit pertaining to risk analyses. These examples detail specific, historical analyses and should be recognized as such. In our view, the Appendix H methodology does not reflect current best practices in all areas, because of new technologies that have been introduced, changed processes, or refined inputs. We recommend that the staff consider adapting some examples to note the changed assumptions and include additional references to provide the complete story. For example, the information outlining the considerations involved in the regulatory analysis of hardened containment vents for BWRs with Mark I and II containments after Fukushima Dai-Ichi provides an exceptionally valuable illustration of the information that impacts NRC decision-making. To provide the complete picture of the considerations taken regarding containment failure, we recommend inclusion of the risk-analyses for PWRs. Additionally, under Enclosure H.1, "Early (Emergency) Phase Protective Actions and Exposure Pathways," we recommend a clarifying statement regarding evacuation to emphasize its occurrence on a site-specific basis since strategies vary and not all sites employ evacuation protocols at this level.

We reiterate our appreciation of the NRC staff's work on these Draft Appendices to NUREG/BR-0058, Revision 5 and for the opportunity to provide our views on the document. We would welcome the opportunity to

discuss both our comments and upcoming drafts of developing Appendices while the staff finalizes them to provide to the Commission.

If you have any questions or require additional information, please contact me at 202.739.8086 or mns@nei.org.

Sincerely,

Maggie N. Staiger

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