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**Docket:** NRC-2017-0091  
Regulatory Analysis Guidelines

**Comment On:** NRC-2017-0091-0012  
Regulatory Analysis Guidelines

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Comment on FR Doc # 2022-14287

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## Submitter Information

**Email:** atb@nei.org  
**Organization:** Nuclear Energy Institute

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## General Comment

See attached file(s)

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## Attachments

08-31-22\_NRC\_NEI Comments on NUREG-BR-0058-Appendix K and L

**TONY BROWN**

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August 31, 2022

Office of Administration  
Mail Stop: TWFN-7-A60M  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Program Management, Announcements and Editing Staff

*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)<sup>1</sup> members (hereinafter referred to as industry), we appreciate the opportunity to review and comment on the Draft Appendices K and L to NUREG/BR-0058, Revision 5, "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission," [ADAMS ML22175A202, ML22175A203]. The guidance found in these draft appendices is used by the NRC staff when performing cost-benefit analyses. 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.

Regarding Appendix L, "Replacement Energy Costs," we note that in conducting this analysis, the NRC is only considering the wholesale replacement cost of electricity, as described on Page L-1, Line 7. OMB Circular A-4<sup>2</sup> directs that analyses should include all costs accruing to the public as the result of an action. NRC should expand this analysis to include the impacts of replacing nuclear energy with sources that have associated air

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<sup>1</sup> 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.

<sup>2</sup> [https://www.whitehouse.gov/wp-4 content/uploads/legacy\\_drupal\\_files/omb/circulars/A4/a-4.pdf](https://www.whitehouse.gov/wp-4 content/uploads/legacy_drupal_files/omb/circulars/A4/a-4.pdf)

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and climate pollutants. In addition, the analysis should include the full economic impact of removing a plant from service and not just the impact on wholesale prices.

Additionally, Appendix L assumes that replacement energy will always be available with the only impact being a change in price, as describe on Page L-2, Line 18. This is not always the case. The analysis should be expanded to include situations where replacement power is not available and calculate the resulting costs from system-wide shortages in power resulting from plant closure.

Finally, Section L.3.2 assumes long-term benefits from regulatory action but ignores the possibility that a plant owner may make changes on their own. For example, if a regulatory action only accelerates the timeline of an action already planned by the plant owner, then the expected present value of averted replacement energy costs should be reduced.

If you have any questions or require additional information, please contact me at 202.739.8087 or [mab@nei.org](mailto:mab@nei.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Brown', with a stylized flourish extending to the right.

Tony Brown

cc: Pamela Noto, NRR, NRC