

NRC Staff Summary of Public Comments on the November 25, 2013, Conceptual Example of a Risk Management Regulatory Framework Policy Statement

NOTE: *On November 25, 2013, the NRC published a notice in the Federal Register (78 FR 70354) requesting public comments on an NRC staff (staff) white paper describing a conceptual example of a Risk Management Regulatory Framework (RMRF) policy statement (ADAMS Accession No. ML13273A517). The white paper was released to inform stakeholders of the current status of the staff's development of its recommendations to the Commission with respect to NUREG-2150, "A Proposed Risk Management Regulatory Framework." Public comments on the staff white paper were accepted via the Federal Rulemaking web site (www.regulations.gov) under Docket ID NRC-2013-0254.*

The public comments received on the draft conceptual agency-wide policy statement varied greatly. The staff's overall assessment is that the comments indicated a need for revision to the staff's approach for developing recommendations with respect to the risk management regulatory framework proposed in NUREG-2150. This document provides a summary of public comments across a wide range of stakeholder perspectives to illustrate the range of stakeholder views on a risk management regulatory framework. This document does not summarize all comments submitted to the NRC, and does not represent a complete and thorough staff analysis of the comments received. Furthermore, inclusion of specific comments in the summary does not imply NRC acceptance or rejection of any particular commenter's views. Although the staff reviewed and considered all public comments when developing a revised approach, the staff did not prepare or publish formal comment responses. The NRC staff recommendations regarding a risk management regulatory framework are scheduled to be provided to the Commission in a SECY paper in December 2015.

The Clean Air Task Force (CATF) stated its broad support of the benefits of a risk-informed, performance-based regulatory framework that furthers the U.S. Nuclear Regulatory Commission's (NRC's) principles of good regulation (independence, openness, efficiency, clarity, and reliability), as well as the related goal of issuing regulatory actions that are effective, realistic, and timely. However, the CATF also noted that an effort to cover all types of reactor and non-reactor facilities and nuclear materials manufacturing and use in one policy statement, "while it is meant to bring cohesion, seems to bring complexity and confusion." The CATF further stated, "[t]he treatment of defense-in-depth in the draft policy statement is confusing, perhaps in an attempt to apply to all of the NRC's regulatory programs, and should be clarified."

The Nuclear Energy Institute (NEI) stated that the industry does not support the concept of an RMRF policy statement as outlined in the staff's draft paper for numerous reasons. Among other concerns, the industry opposed the staff's proposal that the new policy statement would replace the existing 1995 Probabilistic Risk Assessment (PRA) Policy Statement by noting the

importance of the current policy statement to many existing applications, programs, and initiatives. Other commenters (NuScale and N. P. Kadambi) disagreed, stating that the current PRA Policy Statement should be subsumed by the new policy statement which rightly seeks to expand the use of PRA analysis of radiological hazards. Within the context of numerous other ongoing NRC and industry initiatives, NEI also questioned whether an RMRF policy statement warranted the continued expenditure of NRC or industry resources.

The Pressurized Water Reactors Owners Group stated that applying the same regulatory framework across the entire scope of the NRC's regulated areas in a coordinated and consistent manner would appear to be an extremely challenging task for the NRC that would require a long period of time, intra-agency coordination, and perhaps a dilution of methodological approaches to satisfy all of the agency's desires. An individual, Richard Denning, stated that the potential hazard associated with controlling and containing the radioactive inventory of a nuclear power plant makes it unique relative to most of the other regulated activities with regard to the need for formal methods of risk assessment and levels of defense in depth. He further stated that the findings in NUREG-2150 document do not provide a convincing argument that in general a major change in regulatory approach is required for all of the areas of regulation.

Alternatively, several commenters (Yankee Atomic Electric Company and Maine Yankee Atomic Power Company) urged that the NRC adopt a risk-informed approach for the ongoing rulemaking establishing security requirements for dry storage of spent fuel in independent spent fuel storage installations. Several commenters (Yankee Atomic Electric Company, Maine Yankee Atomic Power Company, and NAC International) also supported the application of an RMRF to the regulations governing storage and transportation of spent nuclear fuel. They stated that the current regulations were developed using deterministic approaches and that the actual risks associated with those activities were well below the thresholds deemed acceptable for nuclear power reactors. However, the Nevada Agency for Nuclear Projects opposed the application of an RMRF to spent nuclear fuel management because they believed a risk-informed approach would not provide an adequate level of protection against the radiological hazards of spent nuclear fuel.

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