

September 15, 2015

Mr. Frederick D. Brown
U.S. Nuclear Regulatory Commission
One White Flint North, MS O16E15
11555 Rockville Pike
Rockville, MD 20852-2738

Subject: Industry Recommendations for NRC Project AIM 2020 Prioritization and Re-baselining Initiatives

Project Number: 689

Dear Mr. Brown:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide recommendations for the NRC's Common Prioritization and Re-baselining initiatives discussed during the September 1, 2015 public meeting.

As part of the request for comments, stakeholders were asked to provide comments and views in response to the following questions:

- 1) What activities currently being performed, if any, do you consider unnecessary for the NRC to accomplish its mission in a manner consistent with its Principles of Good Regulation and Values? Please explain why.
- 2) What activities do you view as our lowest priority in the accomplishment of our mission? Please explain why.
- 3) What activities, if any, should be performed on a less frequent basis? Please explain why.
- 4) Which activities should more broadly consider risk insights to enhance NRC's decision-making, including beyond traditional technical issues? Please provide specific examples where the use of a graded approach could be applied to determining priorities and level of effort, not only in technical areas, but also corporate and infrastructure programs.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

In response to this request, we provide the following comments organized into the functional areas of Rulemaking, Regulatory Guides and associated NUREGs, Licensing, Oversight Process, Generic Communications, Security, Reporting Requirements and Research. The relatively short comment period has not enabled a comprehensive review by and collection from industry stakeholders. However, we believe the following recommendations provide an excellent starting point for the re-baselining effort.

Rulemaking

1. NRC should revise the NRC Common Prioritization of Rulemaking process to incorporate criteria that emphasize the NRC's core mission of protecting public health and safety, promoting the common defense and security, and protecting the environment.

The NRC assesses the need and priority of proposed rulemakings through the Common Prioritization of Rulemaking (CPR) process. The CPR process considers how changes that the rulemaking activity would accomplish relate to the NRC's goals and strategies, the interests of the government and the public, and support the NRC budget process. The factors used in this process are determined in a qualitative manner through committee discussion. This has resulted in relatively high scores for rulemakings that are costly to both NRC and industry but provide little benefit relative to the agency's core mission of protecting public health, safety, and security.

As a threshold matter, the agency should recommit to a faithful and consistent application of the Commission's various backfitting rules and, more generally, to the regulatory analysis process. The backfitting and regulatory analysis processes are vital tools in evaluating the costs and benefits associated with individual rulemakings, and require a robust consideration of alternatives. Meaningful application of these processes will ensure that the costs of individual rulemakings can be justified in light of their costs. In this way, the NRC can better ensure that the CPR process will be applied only to rulemakings that have been shown to deliver a demonstrable benefit when considered individually.

We therefore propose that the NRC revise the CPR process to provide a truer representation of safety and security impact of individual rulemakings in relation to other ongoing rulemaking activities. The 2015-2016 Rulemaking Activity Plan², shows prioritization results for 93 rulemakings. Of these, only nine rulemakings received a LOW priority. The remaining 84 rulemakings were ranked MEDIUM or HIGH with 56 being funded in FY2015. With the NRC celebrating its 40th anniversary this year, it is difficult to believe that there are still 84 critical gaps in its regulations.

In the recommendations that follow, we identify eight rulemakings that ranked MEDIUM or HIGH in the CPR scoring that we believe should be reevaluated under the re-baselining process. A comprehensive review of all rulemakings, using a process that gives greater consideration to impact on safety and security and properly considers alternatives would likely identify more rulemakings for reconsideration.

² SECY-14-0110, 2015-2016 Rulemaking Activity Plan, October 10, 2014, Redacted copy released in response to FOIA request (ML15232A004)

Consider the example of the rulemaking on 10 CFR Part 26, Subpart I, "QC and QV Personnel in Fitness for Duty Program." This rulemaking was repeatedly ranked HIGH priority through the CPR process and funded for 2015. For more than five years, NEI and other stakeholders made clear to the NRC, in correspondence and public forums, that Part 26 imposes burdens with little or no benefit to safety. Nevertheless, this rulemaking proposed further changes that would only add to the burden Part 26 imposes on the industry. In this rare instance, after much effort by affected parties, the staff finally agreed their additional proposed changes were inappropriate. In a July 14, 2015 staff requirements memorandum, the Commission approved the staff's request to discontinue this rulemaking. This example should be made a case study in the shortcomings of the existing CPR.

The industry believes that the CPR process should be revised to include review criteria that would provide greater discrimination among assigned scores and assure that NRC and industry attention and resources are focused on those issues that provide the greatest safety and security benefit.

2. NRC should de-prioritize and modify the rulemaking addressing performance-based ECCS cladding acceptance criteria (Docket ID NRC-2008-0332) to incorporate alternative means to achieve rule compliance.

The 10 CFR 50.46c ECCS rulemaking is ranked HIGH in the FY 2016/2017 rulemaking plan; however, as discussed in NEI comments provided in an August 21, 2014 letter,³ the safety benefit is not commensurate with the cost to implement the rule. Based on safety margin assessments performed by industry and accepted by NRC,⁴ operating plants have significant margins of safety under current acceptance criteria. In fact, it is this significant margin of safety that has enabled plants to continue to operate during the extended period of rule development that began in 2000.

The industry cost to implement the new criteria in the proposed rule is significant and some plants may find it difficult to amortize this cost over the remaining life of the plant. This makes it imperative to include, as part of the rule, alternative means to achieve compliance and maintain an adequate level of safety.

³ August 21, 2014, G.C. Cleffon (NEI) to Annette Vietti-Cook (NRC), "Comments on Performance-Based Emergency Core Cooling Systems Cladding Acceptance Criteria" (ML14237A149)

⁴ February 10, 2012, Paul M. Clifford (NRC) to William H. Ruland (NRC), "ECCS Performance Safety Assessment and Audit Report," (ML12041A078)

3. NRC should terminate the rulemaking for enhanced security for Special Nuclear Material (Docket ID NRC-2014-0118).

This rulemaking was ranked HIGH in the FY 2016/2017 rulemaking plan and is being promulgated to “improve consistency; make generically applicable security requirements imposed in Security Orders; update regulations using risk insights and operating experience; and use a risk-informed and performance-based structure.”⁵As discussed in our October 17, 2014 letter,⁶ we believe NRC should pursue alternatives to the current rulemaking. For example, the NRC security orders in place today recognize the diversity of the small fleet of fuel cycle facilities and allow for a facility-specific, risk-informed and performance-based approach to meet the intent of the requirements. This is also true for research and test reactors. Industry is concerned that detailed, prescriptive, one-size-fits-all new or revised requirements that modify the intent or go beyond the orders could create unintended conflicts or gaps with existing, NRC-approved security programs. The programs put in place to conform to the Orders/Additional Security Measures (ASMs) have been inspected against and determined to be adequate. Therefore, NRC should clearly state that current licensees have already developed and implemented plans that comply with the new requirements and do not require additional action at this time. Change for change’s sake or codifying “best practices” and “lessons-learned” in and of itself is not a sound or justifiable regulatory basis for new or modified requirements. These types of changes are insufficient to satisfy the Backfit Rule’s “substantial increase in overall protection” requirement, and the cost of implementing such changes would not be justified in view of any increased protection.

Therefore, we recommend that NRC terminate the current rulemaking and issue a license condition for impacted licenses which requires adherence to the current set of requirements and prohibits a program change that would result in a decrease in the effectiveness of the current security program.

⁵ Description from NRC Rulemaking Priorities webpage; <http://pbadupws.nrc.gov/docs/ML1502/ML15022A521.pdf>

⁶ October 17, 2014, Janet Schlueter (NEI) to Cindy Bladley (NRC); Industry Comments on Draft Regulatory Basis for 10 CFR Parts 26 and 73, “Enhanced Security at Fuel Cycle Facilities; Special Nuclear Material Transportation”

4. NRC should terminate the rulemakings for Radiation Protection (Docket ID NRC-2009-0279) and Dose Assessments for Radioactive Effluents (Docket ID NRC-2014-0044).

In the Radiation Protection rulemaking, the goal is to achieve greater alignment between the NRC's radiation protection regulations and the 2007 recommendations of the International Commission on Radiological Protection (ICRP). As discussed in our March 24, 2015 comment letter⁷, we believe the rulemaking is unnecessary from a health and safety standpoint and will provide little to no incremental improvement in the health and safety of workers, members of the public, or the environment.

Similarly, the intent of the Dose Assessments for Radioactive Effluents rule is to align the NRC regulations governing dose assessments for radioactive effluents from nuclear power plant operations with the most recent terminology and dose-related methodology published by the ICRP and contained in ICRP Publication 103 (2007).

In neither instance is there a safety basis for the identified changes yet the cost to implement these rules is estimated to exceed \$3 million per facility. Moreover, implementation will require substantial effort by NRC and industry to revise approximately 50 regulatory guides.⁸ Based on the low value to safety and high burden imposed by these proposed rules, we recommend that both rulemakings be terminated.

5. NRC should terminate the rulemaking amending material control and accounting regulations (Docket ID NRC-2009-0096).

The stated goal of this rulemaking is to revise and consolidate regulations for material control and accounting of special nuclear material in order to update, clarify, and strengthen them. As discussed in our April 15, 2015 letter⁹, this rulemaking activity, which ranked relatively low in the CPR scoring for FY2016/FY2017, is of significant industry concern due to its incomplete and inconclusive regulatory analysis and regulatory basis, ambiguous rule language and its potential to impose significant burden with little to no improvement to safety or security. Efforts on this rulemaking should be terminated.

⁷ March 24, 2015, Ellen Anderson (NEI) to Annette Vietti-Cook (NRC), "Industry Comments on the NRC ANPR for 10 CFR Part 20, Radiation Protection" (ML15083A063)

⁸ <http://www.nrc.gov/about-nrc/regulatory/rulemaking/potential-rulemaking/opt-revise/divison-reg-guide.html>

⁹ April 15, 2015, Janet Schlueter (NEI) to Marissa Bailey (NRC), Industry Comments on Proposed Part 74, "Amendments to Material Control and Accounting Regulations Based on Discussions between NRC Industry during a March 5, 2015 Public Meeting"

6. NRC should terminate the rulemaking clarifying requirements in Part 21, Reporting of Defects and Noncompliance (Docket ID NRC 2012-0012) and use its resources to review and endorse industry guidance.

The stated goal of this rulemaking is to improve the clarity of Part 21 while maintaining the original intent of the rule and minimizing changes to currently compliant programs. There are no deficiencies in the Part 21 requirements; however, a lack of clear guidance has resulted in a few minor issues, none of which have been shown to have an impact on safety or security. As discussed in our May 5, 2015¹⁰ and June 19, 2015¹¹ letters, the draft regulatory basis document and proposed rule fail to demonstrate any safety benefit and, in fact, could be detrimental to safety. The more effective and efficient path to improve clarity for the existing regulation is the review and endorsement of industry guidance that addresses all NRC-identified issues. This revised guidance¹² was submitted to NRC in 2014 and is awaiting NRC action.

7. NRC should discontinue the rulemaking on 10 CFR Part 61, Low Level Radioactive Waste Disposal (Docket ID NRC 2011-0012).

This rule will amend regulations that govern low-level radioactive waste (LLRW) disposal facilities to require new and revised site-specific technical analyses and to permit the development of criteria for LLRW acceptance based on the results of these analyses. As discussed in our July 23, 2015 letter¹³, the proposed rule's scope has expanded beyond its original intent, the current Regulatory Cost-Benefit Analysis is deficient, and future NRC decision on the Part 61 Waste Classification Tables could require subsequent conforming modifications to this proposed rule. The proposed rule should be discontinued and other options pursued as outlined in NEI's comments. There is no information to suggest that disposal of LLRW pursuant to the current regulatory framework is unsafe or is not adequately protective of public health and safety and the environment. Therefore, from a public health and safety perspective, this rulemaking is not necessary. The cost-benefit analysis for this rule, once deficiencies identified in the July 23 letter are addressed, is expected to support discontinuance of the rulemaking.

¹⁰ May 5, 2015, Doug Walters (NEI) to Glenn Tracy (NRC), Industry Comments on NRC's Revision 1 of the Draft Regulatory Basis to Clarify 10 CFR Part 21, "Reporting of Defects and Noncompliance" (ML15131A366)

¹¹ June 19, 2015, Janet Schlueter (NEI) to Marissa Bailey (NRC), "Additional Fuel Cycle Industry Input on Potential Rulemaking to Amend 10 CFR Part 21" (ML15194A153)

¹² August 28, 2014, Chris Earls (NEI) to Michael Mayfield (NRC) and Michael Cheok (NRC), Submittal of NEI 14-09, Guidelines for Implementation of 10 CFR Part 21 Reporting of Defects and Noncompliance, Revision 0 (ML14245A415)

¹³ July 23, 2015, Janet Schlueter (NEI) to Annette Vietti-Cook (NRC), "Proposed 10 CFR Part 61 Rule on Low Level Radioactive Waste Disposal"

8. NRC should terminate efforts to amend regulations to revise the existing security requirements that apply during the storage of spent nuclear fuel (SNF) at an independent spent fuel storage installation (ISFSI) (Docket ID NRC 2009-0558).

The proposed rule would amend regulations to revise the existing security requirements that apply during the storage of SNF at an ISFSI, and during the storage of SNF and high-level waste at a Monitored Retrievable Storage Installation (MRS). The specific objectives of this rule are to update the ISFSI security requirements to improve the consistency and clarification of the security requirements for both generic and specific ISFSI licensees; make generically applicable requirements similar to those imposed on ISFSI licensees by the post-September 11, 2001, security orders; and use a risk-informed, performance-based structure in ISFSI and MRS security regulations.

As discussed in our January 29, 2010¹⁴ and October 19, 2011¹⁵ comments on this proposed rule and associated guidance, the scope of the proposed rule extends beyond the identified scope and there is insufficient basis for the expansion of requirements for ISFSIs.

9. NRC should proceed with the 10 CFR Part 72 Rulemaking recommended by PRM 72-7.

Petition for Rulemaking (PRM) 72-7, which NRC has approved for consideration in rulemaking¹⁶, would standardize the content of 10 CFR Part 72 licenses and Certificates of Compliance (CoCs) for dry cask storage at a more risk appropriate level of detail. Existing dry storage licenses and CoCs are considerably more detailed than reactor licenses, even though the risks associated with dry cask storage are considerably lower. These licenses and CoCs are also highly customized, reflecting individual reviewer expectations. This results in an overly complex licensing framework wherein storage licenses must be frequently amended as dry storage vendors continue to innovate and their customers continue to address growing storage challenges (different fuel types, higher fuel burnups, etc.).

The dry cask storage marketplace is highly dynamic. Each year industry loads an additional 150 to 200 casks and two centralized interim storage projects are currently on the drawing board. Because of the unique nature of CoCs – where a single CoC covers casks in place at multiple reactor licensee sites – they must be amended by rulemaking. Hence, the current framework is highly burdensome and this burden will grow significantly in the future as the dry cask storage business continues to evolve and initial licenses and CoCs are renewed for longer storage periods.

The standardization criteria proposed in PRM 72-7 have a clear nexus to NRC's safety mission and are consistent with the precedent established when improved reactor technical specifications were

¹⁴ January 29, 2010, Chris Earls (NEI) to Michael T. Lesar (NRC), "NEI Comments on Draft Technical Basis for Rulemaking Revising Security Requirements for Facilities Storing Nuclear Fuel and High Level Radioactive Waste" (ML100341196)

¹⁵ October 19, 2011, David Kline (NEI) to Phillip Brochman (NRC), "Industry Comments on Draft Regulatory Guide DG-5033, Security Performance (Adversary) Characteristics for Physical Security Programs for 10 CFR Part 72 Licensees" (ML15138A284)

¹⁶ 79 Federal Register 41935, July 18, 2014

established¹⁷. Implementing these criteria through rulemaking should be fairly straightforward, yet NRC has yet to take action on PRM 72-7 for over a year. This is a case where a small additional near-term rulemaking effort would result in significant long-term resource efficiencies that would improve NRC's ability to carry out its safety mission consistent with the objectives of project AIM.

10. NRC should focus the rulemaking addressing regulatory improvements for Power Reactors transitioning to Decommissioning on transition issues that currently require exemptions and license amendments (Docket ID NRC-2015-0070).

In SRM-14-0066, the Commission directed the staff to proceed with rulemaking with an objective of early 2019 for completion. Because significant industry and NRC resources are currently being expended on exemption and license amendment requests that occur during the transition to decommissioning due to gaps in the current regulatory framework, it is important that this rule be completed in a timely manner. However, NRC resources should be focused on the continued processing of current and pending applications for decommissioning amendments and exemptions until that regulatory work is complete. As discussed in our February 23, 2015 letter,¹⁸ this is vital to ensure that funds set aside for decommissioning are judiciously applied and are not used unnecessarily while licensing actions are under review.

To support these efforts, the industry is developing a number of guidance documents and templates to assure improved consistency and efficiency until the rulemaking can be completed. Industry is also developing a specific proposal to provide regulatory stability and predictability in the transition from operating to decommissioned status by specifically targeting transition issues in areas where exemptions and license amendments are currently being relied upon.

NRC staff has indicated that the Commission's expectation that the rulemaking be completed by 2019 will be difficult to meet (SECY-15-0014). We believe that staff's position reflects an overly broad approach to this proposed rulemaking. Staff should not revisit decommissioning issues that are already adequately addressed in current regulations. Rather, a long-term, durable resolution of decommissioning transition issues will be best-served by a rulemaking that focuses on tailoring requirements to reflect changes in the risk profile of a facility as it moves through key milestone conditions during the decommissioning process. As discussed in our May 27, 2015 letter,¹⁹ such a rulemaking will increase the efficiency, clarity and reliability of the agency's regulatory framework without introducing new and unnecessary regulatory burden.

¹⁷ 58 Federal Register 39132, July 22, 1993, NRC Final Policy Statement of Technical Specification Improvements for Nuclear Power Reactors

¹⁸ February 23, 2015, Anthony R. Pietrangelo (NEI) to Stephen G. Burns (NRC) "Industry Request for Staff SECY Regarding Integrated Rule-Making for Decommissioning"

¹⁹ May 27, 2015, Joseph E. Pollock (NEI) to Mark A. Sartorius (NRC) "Industry Input on Scope of Integrated Rulemaking for Decommissioning"

Regulatory Guides and Associated NUREGs

11. NRC should revise the Regulatory Guide Update program to proactively collect information from affected licensees relative to need prior to initiating efforts on revisions.

Regulatory Guides and associated NUREGs are published as a service to licensees to assist in understanding and complying with U.S. Nuclear Regulatory Commission rules and regulations. NRC reviews Regulatory Guides every 5 years in accordance with Management Directive 6.6 and determines whether a revision is needed. Key portions of this review process (identification of regulatory guides being reviewed and determination of need for revision) are performed without obtaining input from affected licensees. With approximately 350 separate regulatory guides in service, NRC must review approximately 70 regulatory guides each year. The absence of licensee input in this process has resulted in the unnecessary expenditure of staff and industry resources on modifications to regulatory guides that are not used or needed by the affected licensees.

Because regulatory guides and associated NUREGs are provided as a service to licensees, we urge greater consideration of licensee needs and requests in the determination of regulatory guides to be revised. This can be accomplished through proactively requesting stakeholder input on proposed regulatory guide and NUREG revisions prior to initiating action.

12. NRC should use a risk-informed graded approach in revising Regulatory Guide 5.12 (DG-5027) (Docket ID NRC-2014-0276).

Draft Regulatory Guide (DG) 5027 is intended to describe methods and procedures acceptable for the selection, use, and control of locking devices in the protection of areas, facilities, and specific types of information. In the current draft guide there appears to be no risk-informed graded approach employed with regard to the level or type of material being protected. NEI comments on this draft guide were provided in a February 26, 2015 letter.²⁰

13. NRC should discontinue efforts on "Amplifying Guidance for the Evaluation Criteria in NUREG-0654/FEMA-REP-1" and focus on finalizing revision 2 of NUREG-0654.

As discussed in our June 15, 2015 letter²¹, the "amplifying guidance" provides little value in clarifying existing requirements. On the contrary, this document seeks to impose staff positions that are either new or different from those that have been accepted by the agency in the past. Given the amount of existing guidance and the maturity of emergency preparedness programs, we believe that the Handbook is unnecessary and should not be issued. The staff should instead focus its efforts on finalizing revision 2 of NUREG-0654; an effort that has been underway since August of 2012.

²⁰ February 26, 2015, David Kline (NEI) to Cindy Bladey (NRC), "Industry Comments on Draft Regulatory Guide DG-5027" (ML15061A107)

²¹ June 15, 2015, Joseph Pollock (NEI) to Brian Holian (NRC), "Emergency Preparedness Handbook: Amplifying Guidance for the Evaluation Criteria in NUREG-0654/FEMA-REP-1"

14. NRC should terminate efforts to develop quantitative dermal and ocular exposure standards for workers (Docket ID NRC 2015-0044).

Industry believes that the development of quantitative dermal and ocular exposure standards for workers is unnecessary from a safety and compliance standpoint, and is impractical from a technical standpoint. As discussed further in our June 30, 2015 letter,²² existing chemical safety programs focus on prevention and mitigation of dermal and ocular exposure to chemicals. As such, developing quantitative standards will yield no discernable safety benefit. Developing and implementing such standards will, however, divert limited facility resources away from day-to-day safe operations. Further effort on this activity should be terminated.

15. NRC should discontinue efforts to develop a Revised Fuel Cycle Oversight Process (Docket ID NRC 2015-0149).

In its 2012 Staff Requirements Memorandum on enhancements to the fuel cycle oversight process (SRM SECY-11-0140), the Commission wrote:

"[T]he existing [fuel cycle] oversight process is effective and ensures safety and security. Consequently, the activities undertaken to enhance the NRC's fuel cycle oversight process are truly that – enhancements – and are a lower funding priority...as the staff prepares funding adjustments...it should keep this prioritization in mind."

As noted in our July 13, 2015 letter,²³ the current oversight process is adequate. No safety or security issue has been identified to warrant the large program overhaul envisioned with the Revised Fuel Cycle Oversight Process. Any changes to the oversight program for fuel cycle facilities should also recognize the need to "right size" the baseline inspection frequency based on performance.

16. NRC should discontinue actions to revise RG 8.7, via draft regulatory guide (DG), DG-8030, "Instructions for Recording and Reporting Occupational Radiation Dose Data" (NRC Docket ID NRC-2015-0203).

The proposed revision describes methods that the NRC considers acceptable for licensees to use for the preparation, retention, and reporting of records of occupational radiation doses. DG-8030 also includes changes in the process a licensee needs to follow in order to determine monitoring for occupational exposure, determining prior doses, recording monitoring results, and reporting the results, when required. The revision was deemed necessary after the NRC revised NRC Forms 4 and 5 without any stakeholder input. These changes do not address generic challenges with licensees reporting occupational dose and would be very burdensome to implement. Therefore, the revision to RG 8.7 should be discontinued and NRC Forms 4 & 5 should be returned to the prior version.

²² June 30, 2015, Janet Schlueter (NEI) to Cindy Bladley (NRC), "Draft Interim Staff Guidance ZZ, Revision 0 Guidance for the Evaluation of Acute Chemical Exposures and Proposed Quantitative Standards" (ML15189A076)

²³ July 13, 2015, Janet Schlueter (NEI) to Cindy Bladley (NRC), "Industry Comments on the Draft Fuel Cycle Oversight Process Cornerstone Technical Document" (ML15195A422)

Licensing

17. NRC should give higher priority to initiatives to improve the efficiency and effectiveness of the licensing process.

Efforts are underway within the Office of Nuclear Reactor Regulation to improve the efficiency and effectiveness of licensing activities. These efforts include improved training and greater adherence to requirements in LIC 101, License Amendment Review Procedures and LIC 109, Acceptance Review Procedures. We encourage these efforts and suggest that similar efforts should be initiated in other offices within NRC.

As part of this effort to improve the licensing process, we encourage the NRC to adopt a policy that once a license amendment request (LAR) is assigned to reviewers, they should own the product from beginning to end, to the extent possible. The industry has experienced LARs changing hands multiple times over recent years, resulting in substantial (and unnecessary) delays and increased industry costs.

LARs that implement a vendor topical report historically did not go through any detailed technical review if the topical report was approved by NRC. More recently the industry has experienced instances where reviewers are asking for detailed technical data in a manner that appears to be a re-review of the approved topical report. Duplicative information requests of this nature are unjustified and unnecessary, and result in delays and increases in costs. This concern should be addressed as part of the initiative to improve the licensing process.

18. The NRC should increase activity in the area of approving risk-informed Technical Specification changes tied to TSTF 505, Risk Informed Extended Completion Times.

Once the industry has risk-informed Technical Specifications (TS) the need for Notices of Enforcement Discretion (NOEDs) and emergent TS submittals will be significantly reduced. Additionally, risk-informed TS would be a benefit to the industry in better managing their equipment while potentially avoiding unnecessary shutdowns. NRC support for implementation of TSTF-505, as approved via the Safety Evaluation,²⁴ is critical to the success of this effort.

²⁴ 77 Federal Register 15399, March 15, 2012, Model Safety Evaluation for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-505, Revision 1, "Provide Risk-Informed Extended Completion Times—RITSTF Initiative 4B"

Oversight Process

19. NRC should revise the inspection program of the operating reactor oversight process to reduce inspection hours to a level consistent with Pre-ROP levels.

Inspection hours per site under the reactor oversight process (ROP) have increased by over 25% since its inception in 2000; rising from an average of 5322 inspection hours/site in the 52 weeks before ROP to 6782 hours/site in 2013 (latest year hours were reported). A significant percentage of this increase occurs in an ill-defined category of "other"; pointing to a need for greater transparency in reporting of inspection resources.

While periodic assessments and adjustments of inspection program resources occur, those assessments generally focus on reallocation of inspections and fail to address the gradual but ever increasing burden of inspection.

An assessment of the inspection program should be performed to identify the basis and justification for program increases since ROP inception. Based on the results of this assessment, actions should be taken to reduce the frequency of inspections in areas of low safety importance or based on licensee performance in previous inspections. For example, since 2000, the industry has substantially reduced occupational radiation dose (cumulative station dose), which should justify a corresponding reduction in inspection hours. Another example is the low number and significance of findings during ISI inspections, which should justify a corresponding reduction in inspection hours.

20. NRC should, where possible, conduct commitment management audits by phone.

Commitment management audits by Project Managers that are performed at the site are of little to no value. The audits cost travel money and time for a low value-added activity. The resident inspector can perform this task with phone consultation from the PM. In addition, these audits should be performed on a less frequent basis as the audits are not revealing significant gaps and commitments are well managed by licensees.

21. NRC should support a pilot that would evaluate how to better leverage licensee developed PRA models rather than NRC SPAR models in the Significance Determination Process (SDP).

Considerable NRC time and resources are spent developing and maintaining Standardized Plant Analysis Risk (SPAR) models. Considerable industry time and resources are also spent working to resolve differences between SPAR model results and site-specific PRA models. The industry models are more detailed, comprehensive and more up-to-date than SPAR models, therefore can yield more accurate insights. The NRC should support a pilot with the industry to evaluate the benefits of a Significance Determination Process that is more focused on the licensee developed model rather than the NRC SPAR model. This study would identify the steps needed to reduce cost, improve efficiency and the results of the process.

Generic Communications

22. NRC should revise the charter of the Committee to Review Generic Requirements (CRGR) to return this committee to its original role and function.

The original charter of the Committee to Review Generic Requirements (CRGR) stated its role as:

"The CRGR will develop means for controlling the number and nature of the requirements placed by NRC on reactor licensees. The objectives of these controls are to eliminate the unnecessary burdens placed on reactor licensees, reduce the exposure of workers to radiation in implementing some of these requirements, and conserve NRC resources while at the same time not reducing the levels of protection of public health and safety".

Since its inception in the early 1980's, the role of CRGR has been reduced from a critical "gatekeeper" role to one that is focused solely on backfit implications for generic communications. Reviews are limited in scope and generally provide no more than an informal review.

We encourage the original charter of CRGR to be considered as part of efforts to review and revise the CRGR role, as directed by the Commission in its August 14, 2015 Staff Requirements Memorandum on COMSGB-15-0003.

Security

23. NRC should incorporate the Force-on-Force Inspection Program into the baseline inspection program.

The Force-on-Force (FOF) Inspection program in its current form was implemented in response to the requirements of the Energy Policy Act of 2005, hereafter referred to as "The Act," Section 170D, Security Evaluations. The design of the program was influenced by incorporating lessons learned from its predecessor program, the Operational Safeguards Response Evaluation (OSRE) and by incorporating operating experience from the programs of other government agencies. The Act requires that the Nuclear Regulatory Commission (NRC) evaluate security at each licensee not less frequently than once every three years and that as a part of that evaluation incorporate Force-on-Force exercises. The industry has demonstrated sustained excellent performance. The FOF program should be incorporated in the baseline inspection program consisting of NRC evaluation of licensee conducted FOF exercises.

24. NRC should use industry Multiple Integrated Laser Engagement System (MILES) gear vs. NRC supplied gear.

Currently the NRC has trucks and trailers that are dispatched for evaluated Force on Force (FOF) exercises with MILES gear. The trailer is staffed with at least two contractors. They issue MILES gear and store it after the exercise. The licensee is required to make temporary power hook ups. The industry position is that we should use our own MILES for evaluated FOF and issue it and store it as we do with our internal exercises. Cost savings of two contractors, truck, fuel and maintenance as well as MILES maintenance could be achieved with this change. There is also a licensee savings for not needing the temporary power.

25. Efficiency improvements can be gained in Integrated Response Staffing effort.

Currently the NRC has staff members traveling to plants for data gathering in support of Contingency Response Tool (CRT) development. The NRC staff requests drawings and other information from the licensee and then provides it to a contractor for tool development. Licensees could provide the information directly to the contractor thus saving the efforts of the two staff positions.

Reporting Requirements

26. NRC should include review and assessment of current reporting requirements as part of rule revisions.

NRC regulations in Title 10 of the Code of Federal Regulations, call for the submission of various reports in connection with licensed activities. The current Office of Management and Budget inventory of information collections by NRC numbers in the hundreds. In addition, each Part 50 and Part 72 licensed facility has technical specifications that include reporting requirements. These requirements, once established, are not routinely reviewed and assessed to determine their continued value and need and whether changes to the content or periodicity of reporting are needed. While there may not be sufficient justification to initiate rulemaking solely to adjust reporting requirements, it is appropriate to include an assessment of current reporting requirements as part of any proposed rulemaking.

An example is provided by the broad scope of reports collected and evaluated by NRC in accordance with the requirements of 10 CFR Part 72 "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High Level Radioactive Waste and Reactor-Related Greater than Class C Waste." The estimated 69,000 hours per year²⁵ required to complete required information collection under 10 CFR Part 72 constitutes a substantial and excessive burden on both the industry and the NRC. Given the relative low risk and outstanding safety record (Over 1,900 dry cask storage systems safely loaded and placed into service over the past 28 years) associated with the facilities regulated under this rule, we believe the NRC should proactively look for opportunities to reduce the administrative burden associated with required reporting under this regulation.

²⁵ FRN, Vol. 79 page 35385, "Agency Information Collection Activities: Proposed Collection Comment Request", [Docket No. NRC-2014-0104]

We commend the NRC's efforts to reduce licensee burden in this area in the agency's July 18, 2014, approval of NEI's petition for rulemaking PRM 72-7. The rule changes called for in PRM-72-7 propose a set of criteria that would, by standardizing Certificate of Compliance (CoC) and Technical Specification content at a more risk-appropriate level of detail, significantly reduce the number of license and CoC amendments needed to only those having a risk-informed nexus to nuclear safety. Implementation of these proposed changes would place a significantly greater amount of information under licensee or CoC holder control, which would reduce the amount of regulatory correspondence required and, hence, achieve a corresponding reduction in the information collection burden. To this end, we urge the NRC to move forward expeditiously with the rulemaking recommended in PRM 72-7.

Another example of reporting requirements that should be reviewed to ensure that the information is used and is useful to the regulatory mission and not simply filed away is in the area of Event Reporting Guidelines, 10 CFR 50.72 and 10 CFR 50.73. While the need for timely verbal notification of the NRC staff for the emergency conditions is recognized and acknowledged, 10 CFR 50.72 itself recognizes that certain of the reporting requirements in that regulation constitute non-emergency conditions. It is acknowledged that the need to report these non-emergency conditions satisfy the purposes of "...confirming licensing bases, studying potentially generic safety problems, assessing trends and patterns of operational experience, monitoring performance, identifying precursors of more significant events, and providing operational experience to the industry." However, the need to make prompt (that is, 8-hour) verbal reports for some of these non-emergency conditions, many of which have indeterminate event times or represent legacy issues, is questioned. These conditions are more appropriately addressed within the corrective action program (which satisfies the requirements of 10 CFR Part 50, Appendix B, Criterion XVI, Corrective action). On-site NRC Resident Inspectors have access to the corrective action programs and are made aware of these non-emergency conditions, which represent potentially degraded or non-conforming conditions pursuant to Criterion XVI. The reporting criteria in 10 CFR 50.72(b)(3) should be reexamined within the context of the value-added by prompt verbal notification to NRC Headquarters to determine if, instead, NRC awareness is more correctly made through notification of the on-site NRC Resident Inspector. This reexamination is not intended to reexamine or question the need for written reporting of any events (i.e., Licensee Event Reports (LERs)) required by 10 CFR 50.73.

Research

27. NRC should discontinue test plans for "Testing of Open Secondary Window – Type Current Transformers" (Docket ID NRC 2015-0183).

As identified in our September 1, 2015 comments²⁶, there is not a significant safety issue being addressed by this test plan and the referenced NRC sponsored testing, existing NRC issued guidance documentation, and vendor qualification testing has already reached a conclusion that the potential for an open current transformer secondary causing a fire is very low or non-existent. We believe this testing is unnecessary and should be discontinued.

NEI appreciates the opportunity to comment on the Project AIM Common Prioritization and Re-baselining initiative. Please contact me if you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Butler", with a stylized flourish at the end.

John C. Butler

C: Ms. Vonna L. Ordaz, SBCR, NRC

²⁶ September 1, 2015, Steven Hutchins (NEI) to Cindy Bladey (NRC), "Comments on Draft Test Plan for Testing of Open Secondary Window – Type Current Transformers"

Compilation of Recommended Changes in Support of Project AIM 2020 Common Prioritization and Re-baselining Initiative	
Rulemaking	
1	NRC should revise the NRC Common Prioritization of Rulemaking process to incorporate criteria that emphasize the NRC's core mission of protecting public health and safety, promoting the common defense and security, and protecting the environment.
2	NRC should de-prioritize and modify the rulemaking addressing performance-based ECCS cladding acceptance criteria (Docket ID NRC-2008-0332) to incorporate alternative means to achieve rule compliance.
3	NRC should terminate the rulemaking for enhanced security for Special Nuclear Material (Docket ID NRC-2014-0118).
4	NRC should terminate the rulemakings for Radiation Protection (Docket ID NRC-2009-0279) and Dose Assessments for Radioactive Effluents (Docket ID NRC-2014-0044).
5	NRC should terminate the rulemaking amending material control and accounting regulations (Docket ID NRC-2009-0096).
6	NRC should terminate the rulemaking clarifying requirements in Part 21, Reporting of Defects and Noncompliance (Docket ID NRC 2012-0012) and use its resources to review and endorse industry guidance.
7	NRC should discontinue the rulemaking on 10 CFR Part 61, Low Level Radioactive Waste Disposal (Docket ID NRC 2011-0012).
8	NRC should terminate efforts to amend regulations to revise the existing security requirements that apply during the storage of spent nuclear fuel (SNF) at an independent spent fuel storage installation (ISFSI) (Docket ID NRC 2009-0558).
9	NRC should proceed with the 10 CFR Part 72 Rulemaking recommended by PRM 72-7.
10	NRC should focus the rulemaking addressing regulatory improvements for Power Reactors transitioning to Decommissioning on transition issues that currently require exemptions and license amendments (Docket ID NRC-2015-0070).
Regulatory Guides and Associated NUREGs	
11	NRC should revise the Regulatory Guide Update program to proactively collect information from affected licensees relative to need prior to initiating efforts on revisions.
12	NRC should use a risk-informed graded approach in revising Regulatory Guide 5.12 (DG-5027) (Docket ID NRC-2014-0276).
13	NRC should discontinue efforts on "Amplifying Guidance for the Evaluation Criteria in NUREG-0654/FEMA-REP-1" and focus on finalizing revision 2 of NUREG-0654.
14	NRC should terminate efforts to develop quantitative dermal and ocular exposure standards for workers (Docket ID NRC 2015-0044).
15	NRC should discontinue efforts to develop a Revised Fuel Cycle Oversight Process (Docket

Compilation of Recommended Changes in Support of Project AIM 2020 Common Prioritization and Re-baselining Initiative	
	ID NRC 2015-0149).
16	NRC should discontinue actions to revise RG 8.7, via draft regulatory guide (DG), DG-8030, "Instructions for Recording and Reporting Occupational Radiation Dose Data" (NRC Docket ID NRC-2015-0203).
Licensing	
17	NRC should give higher priority to initiatives to improve the efficiency and effectiveness of the licensing process.
18	The NRC should increase activity in the area of approving risk-informed Technical Specification changes tied to TSTF 505, Risk Informed Extended Completion Times.
Oversight Process	
19	NRC should revise the inspection program of the operating reactor oversight process to reduce inspection hours to a level consistent with Pre-ROP levels
20	NRC should, where possible, conduct commitment management audits by phone.
21	NRC should support a pilot that would evaluate how to better leverage licensee developed PRA models rather than NRC SPAR models in the Significance Determination Process (SDP).
Generic Communications	
22	NRC should revise the charter of the Committee to Review Generic Requirements (CRGR) to return this committee to its original role and function.
Security	
23	NRC should incorporate the Force-on-Force Inspection Program into the baseline inspection program.
24	NRC should use industry Multiple Integrated Laser Engagement System (MILES) gear vs. NRC supplied gear.
25	Efficiency improvements can be gained in Integrated Response Staffing effort.
Reporting Requirements	
26	NRC should include review and assessment of current reporting requirements as part of rule revisions.
Research	
27	NRC should discontinue test plans for "Testing of Open Secondary Window – Type Current Transformers" (Docket ID NRC 2015-0183).