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June 9, 2016

Mr. Joseph Giitter  
Director  
Division of Risk Assessment  
Office of Nuclear Regulatory Research  
Washington, DC 20555-0001

**Subject:** Industry Comments on *Process to Address (1) Licensee Proposed Disposition of Peer Review Findings and Observations, and (2) Industry Process to Determine Acceptability of New PRA Methods*

**Project Number: 689**

Dear Mr. Giitter:

The Nuclear Energy Institute (NEI)<sup>1</sup> is pleased to submit the attached comments on NRC's draft staff position on recent industry PRA technical adequacy documents (ML16118A417). Reaching consensus on the processes outlined in these documents is a critical step forward in achieving success in the industry and NRC Risk Informed Steering Committees' (RISCs') goal of improving the process for evaluating PRA technical adequacy in support of risk-informed licensing applications, and the industry is committed to working with the NRC to reach this goal. However, the industry is concerned that the draft NRC staff position, as written in the subject document, is contrary to previous consensus positions developed by industry and NRC working groups, and will not improve efficiencies in reviews of risk-informed licensing applications as was originally envisioned.

The document provides a draft staff position on NEI 16-04, New PRA Method Evaluation Process Guidelines, and NEI 05-04, NEI 07-12, NEI 12-06 Appendix X: Close Out of Facts and Observations (F&Os), as submitted to the NRC for review on February 8, 2016. The goal of the effort supported by these documents, as discussed during numerous public meetings in 2014 and 2015, was to realize improvements to the efficiencies associated with the review of PRA technical adequacy in support of risk-informed licensing applications. Two key areas for improvement – closure of peer review F&Os and treatment of new methods – were identified and discussed by the industry and NRC extensively. An industry white paper on the proposed path forward (ADAMS accession number ML15166A214) was submitted to the NRC for review on June 15, 2015, and an NRC staff letter concurring with the recommendations (ADAMS accession number ML15362A456) was issued on January 7,

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<sup>1</sup> 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 all 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.

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2016. The industry documents referenced in the subject staff position were developed based on this previous body of work; however, the current staff position document would, as written, negate the benefit of much of what is proposed in the industry guidance documents.

Specifically, the document includes discussion on close out of peer review F&Os that add substantial burden to the original process as discussed by the industry and NRC, such that the process would likely never be used, and the envisioned improvements would not be realized. The additional burden includes, but is not limited to, a new definition of independence for reviewers, as well as an expectation that closed F&Os be included in risk-informed licensing submittals. The document also deviates from the original intention of the vetting panel concept for acceptance of new methods for use in risk-informed licensing applications, and appears to call for a duplicate NRC staff review following the joint review, which will result in a cumbersome and time-consuming process.

Given the above, the industry is concerned that the originally envisioned process improvements relative to PRA technical adequacy will not be fully realized. In addition to the issues discussed above, a March 2, 2016 letter regarding license applications for changes to NFPA 805 license conditions (ML16015A416) raised concerns regarding the utility of the proposed methods acceptance process. This letter suggests that NRC acceptance of PRA methods will not necessarily result in more streamlined and less time consuming reviews, as only applications using methods that have previously been reviewed by the NRC staff in another application were considered eligible for a streamlined review process; that is, an application using a method accepted by the NRC but not yet used in a PRA supporting another licensing application would undergo a more rigorous and time consuming review. Such an approach raises questions regarding the efficacy of the methods acceptance process as a whole.

We look forward to working with the NRC to reach a mutually agreeable path forward on critical improvements to processes associated with PRA technical adequacy to ensure improved efficiencies. If you have any questions concerning detailed industry comments in the attachment to this letter, please contact me.

Sincerely,



Victoria K. Anderson

Attachment

c: Ms. Stacey Rosenberg, NRR/DRA/APLA, NRC  
Mr. JS Hyslop, NRR/DRA/APLA, NRC  
Mr. Donnie Harrison, NRO/DSRA, NRC  
Ms. Mary Drouin, RES/DRA/PRB, NRC  
Mr. Richard Correia, RES/DRA, NRC  
Mr. William Dean, NRR, NRC