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"Guidance for Implementation of 10 CFR 72.48, 'Changes, Tests, and Experiments'" (DG-3054)

Comment On: NRC-2020-0059-0001

Guidance for Implementation of 10 CFR 72.48, 'Changes, Tests, and Experiments' (DG-3054)

Document: NRC-2020-0059-DRAFT-0008

Comment on FR Doc # 2020-11717

Submitter Information

Name: Rod McCullum

Address:

1201 F Street, NW
Ste. 1100
Washington, 20004

Email: rxm@nei.org

General Comment

Industry Comments on DG-3054, Draft Revision 1 to Regulatory Guide 3.72, "Implementation Guidance for 10 CFR 72.48, Changes, Tests, and Experiments"; Docket ID NRC-2020-00

Attachments

08-03-2020_NRC_NEI Comments on DG-3054

August 3, 2020

Program Management, Announcements and Editing Staff
Office of Administration
U.S. Nuclear Regulatory Commission,
Washington, DC 20555-0001

Project Number: 689

Subject: Industry Comments on DG-3054, Draft Revision 1 to Regulatory Guide 3.72, "Implementation Guidance for 10 CFR 72.48, Changes, Tests, and Experiments"; Docket ID NRC-2020-0059

Submitted via regulations.gov

Dear Program Management, Announcements and Editing Staff:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide comments on the subject draft guidance. Updating the guidance for implementing the 10 CFR 72.48 regulation to incorporate nearly ten years of experience provides an outstanding opportunity for the Nuclear Regulatory Commission to fulfill the stated goal of improving the efficiency and predictability of the NRC's regulatory oversight of 10 CFR Part 72 licensees and Certificate of Compliance (CoC) holders.

NEI appreciates the work that NRC has done to implement the key benefits of NEI 12-04 Revision 2 and reach a decision to endorse this guidance. We also would like to express our thanks for the NRC's February 6, 2020 interim letter affirming the use of NEI 12-04 during the DG review process.

DG-3054 includes Staff Regulatory Guidance (Section C) that provides three exceptions and one clarification to specific statements in NEI 12-04 Rev2, which it otherwise endorses. Industry has no objection or comments on Exceptions 1 and 3, or Clarification 4. However, we believe that additional precision in the wording in Exception 2 is necessary to ensure a common understanding of this exception among licensees, CoC holders and the NRC inspection staff. Exception 2 in DG-3054 states the following:

¹ The Nuclear Energy Institute (NEI) is the organization 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.

2. NEI 12-04, Revision 2, Section 6.8.1, "Guidance for Changing One or More Elements of a Method of Evaluation (MOE)"

Regarding the use of uncertainty in evaluation methods, NEI 12-04, Revision 2, Section 6.8.1, provides language that addresses the use of uncertainty as an element of a method when documenting a change under 10 CFR 72.48.

Exception - The statement could limit the analysis of uncertainty to being considered as an element only if it is addressed in an MOE. The NRC staff's position on uncertainty is that every MOE has uncertainty, and, for this reason, uncertainty should be considered every time, even if it is not addressed in the MOE.

Industry Comment:

Industry recommends that Exception Number 2 be re-characterized as a clarification and the following two paragraphs replace the second sentence of the exception (clarification) in DG-3054.

Uncertainty plays a role in a variety of manners in various stages of a design's development. As part of the design's development, uncertainty is omnipresent. For example, the uncertainty or tolerances associated with canister shell material manufacture plays a role in the final selection of a specific steel thickness to ensure proper margins are maintained. Similarly, the uncertainty and bias associated with the variables modeled in a criticality analysis are inputs to that analysis. In both of these cases the final character of a safety analysis is influenced by these uncertainties. Such uncertainties are nominally categorized as input parameters because they are part of the "physical characteristics of SSCs..." (NEI 12-04, Definition 2.15).

As a proposed activity progresses to the phase requiring a 10 CFR 72.48 Evaluation, some of these uncertainties are treated as being a formal part of the MOE, while the remainder continue through the 10 CFR 72.48 Evaluation with their categorization as an input parameter unchanged. These remainders continue to play a role in the evaluation, but, again, are treated as input parameters.

This language is supported by the criteria provided as part of NEI 12-04, Definition 2.17, which states:

"On the other hand, an input parameter is considered to be an element of the methodology if:

- The method of evaluation includes a description of how to select the value of an input parameter to yield adequately conservative results. However, if a licensee or cask certificate holder opts to use a value more conservative than that required by the selection method, reduction in that conservatism should be evaluated as an input parameter change, not a change in methodology.

- The development or approval of a methodology was predicated on the degree of conservatism in a particular input parameter or set of input parameters. In other words, if certain elements of a methodology or model were accepted on the basis of the conservatism of a selected input value, then that input value is considered an element of the methodology

An example of an input parameter whose uncertainty would satisfy the above guidance may be one or more of those used in the criticality analysis. In every instance, proper treatment of the various uncertainties involved with safety analyses is assured by adherence to Definitions 2.15 and 2.17. The paragraph in section 6.8.1 of NEI 12-04 was intended to outline this treatment.

If you have any questions or require additional information, please do not hesitate to contact me at rxm@nei.org or at my office number, 202.739.8082.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rod McCullum', with a stylized, cursive script.

Rod McCullum

c: C. Regan, DFM
J. Lubinski, NMSS
Andrea Kock, NMSS