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Proposed Rulemaking: Mitigation of Beyond-Design-Basis Events

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Scope of Our Comments

UCS confines our comments to the proposed rulemaking process.

When the proposed rule is opened for public comment, UCS may provide comments on what is in, and what else should be in, the final rule.

Up Front Pluses

- **A 75-day comment period seems appropriate for this rulemaking**
- **A DPO raised a good question and the rulemaking seems the best way to answer it**
- **Packaging draft regulatory guidance and the draft regulatory analysis with the proposed rule is invaluable and much appreciated**

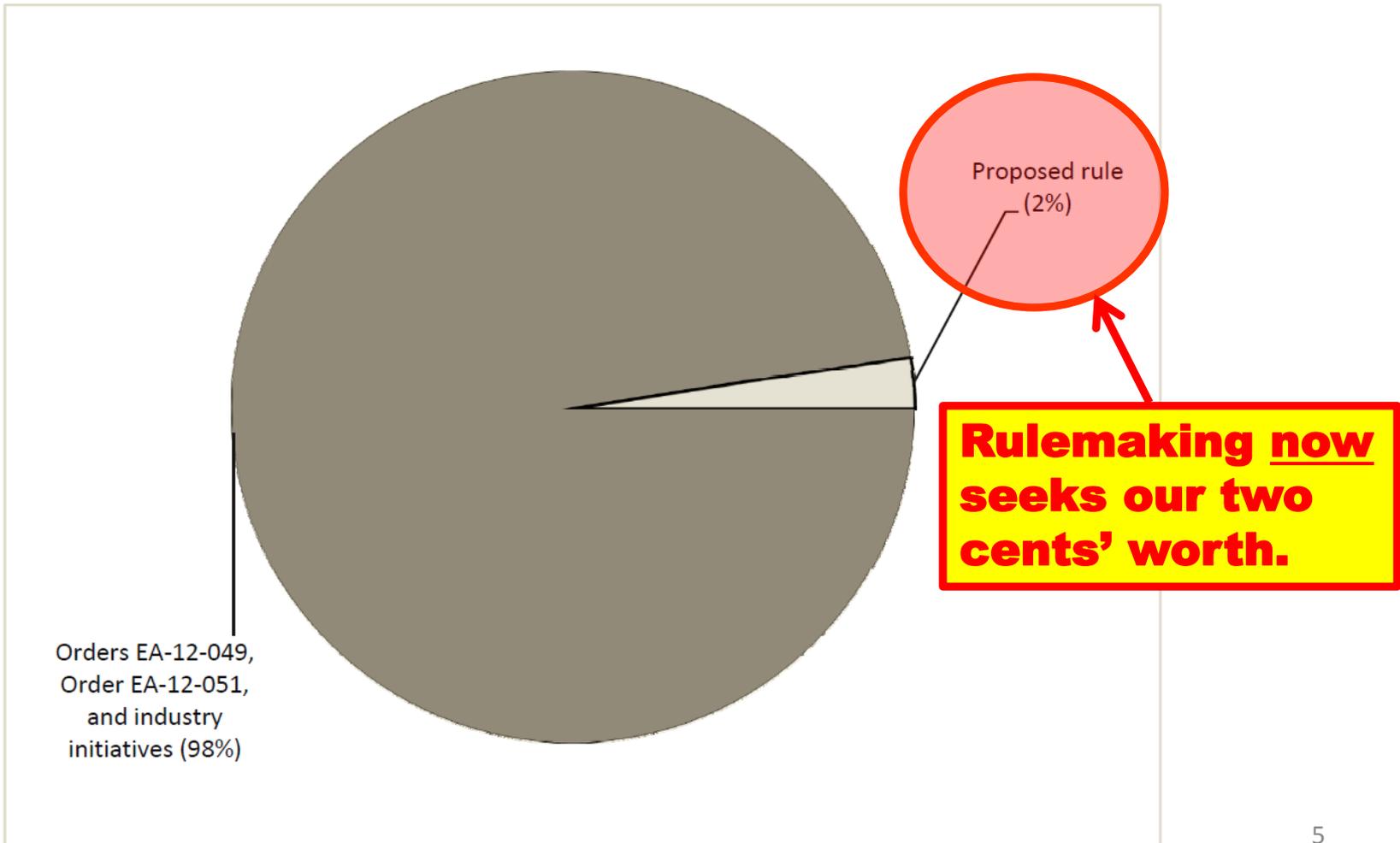
Undue Process

The proposed rulemaking seeks to codify requirements previously imposed by the NRC via orders in 2012.

Stakeholders lacked meaningful input to those requirements and inertia means the requirements are not likely to be significantly changed during the pending rulemaking.

Undue Process

Figure ES-1. Estimated Industry Cost of the Proposed Rule, Order EA-12-049, Order EA-12-051, and Industry Initiatives (Present Value, 7%)



Due Process

The NRC skipped rulemaking to “rush” out upgraded requirements.

Instead of locking out stakeholders when security and safety upgrades are urgently needed, the NRC must figure out how to conduct expedited rulemaking and use it in these cases.

Undue Burden



Source: Liza on flickr

Burden Reduction

The proposed rulemaking has many pieces. The NRC should include a concise, plain-English brochure in the rulemaking package to help stakeholders assemble the pieces and see the overall picture.

Unsubstantiated Assertion

Page 5 of the SECY-15-0065 states “*the proposed SAMG requirements would not include new instrumentation requirements. The SAMGs were developed and implemented based on a philosophy that makes use of available instrumentation, includes backup or alternative means for determining plant conditions...*”.

Substantiating the Assertion

NRC's Office of Research should examine the dependence of SAMGs on reliable plant parameter information to successfully mitigate beyond design basis events to transform this unsubstantiated rumor into hard reality.

Ready for Prime Time?

Is the proposed rulemaking package ready for public comment?

Yes*

- * Provided a plain-English brochure is developed and included in the package noticed in the *Federal Register* and the Office of Research is tasked with evaluating information needs and instrumentation reliability during beyond-design-basis events.**

Extra: Questions UCS Will Address During Review of Proposed Rule

- **Does pending Rev. 2 to NUREG-0654/FEMA-REP-1 affect this proposed rule?**
- **If “majority of requirements have been previously implemented,” how can proposed compliance schedule allow four more years (i.e., perhaps delaying even beyond 10-year anniversary)?**

Extra: Questions UCS Will Address During Review of Proposed Rule

- **How can equipment intended to mitigate a beyond design basis event be stored in a structure designed to design basis hazards, or less?**
- **Would/should 50.155(c)(3) permit licensees to use FLEX equipment during outages and operation on guise of demonstrating operability and training workers?**

Extra: Questions UCS Will Address During Review of Proposed Rule

- **Should 50.155(f)(3) really permit beyond design basis event scenarios to be drilled less often than 7-year locusts appear?**
- **Does 50-155(g)(4) adequately cover cases where design basis changes (e.g., extended power uprates and increased decay heat levels) might undermine MBDBE capability?**

Extra: Questions UCS Will Address During Review of Proposed Rule

- **Without 50.155(b)(4) [SAMG link], would 50.155(b)(5) [staffing] and 50.155(e) [training] be too vague/abstract to be useful?**
- **Does the Systems Approach to Training process ensure adequate training?**

Extra: Questions UCS Will Address During Review of Proposed Rule

- **Would/should deficiencies in FLEX equipment and MBDBE strategies be covered by App. B corrective action programs?**
- **Would/should deficiencies in FLEX equipment and MBDBE strategies be reportable under 10 CFR 50.72/50.73?**