

SUSAN PERKINS-GREW

*Senior Director, Emergency Preparedness
and Risk Assessment*

1201 F Street, NW, Suite 1100
Washington, DC 20004
P: 202.739.8016
spg@nei.org
nei.org



March 7, 2014

Mr. Lawrence E. Kokajko
Division Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Support for Consolidated Rulemaking to Address Aspects of NRC NTTF Report
Recommendations 4, 7, 8, 9, 10 and 11

Project Number: 689

Dear Mr. Kokajko:

The Nuclear Energy Institute (NEI)¹ and the industry understand that the NRC staff has proposed to consolidate rulemaking activities addressing various aspects of Recommendations 4, 7, 8, 9, 10 and 11 from the NRC's Near-Term Task Force (NTTF) Report. As you are aware, this subject was discussed during a public meeting on March 4, 2014, and again on March 6, 2014. The industry is supportive of a coordinated rulemaking approach to address the applicable post-Fukushima recommendations and offers the following for consideration in crafting this approach:

- The rulemaking should codify all Fukushima-related NRC orders, including EA-13-109, which are already in the implementation phase to avoid unnecessary rework. The rulemaking should be performance-based, and implementation in accordance with NRC-endorsed industry guidance should result in full compliance.
- All rule requirements should be assessed in accordance with 10 CFR 50.109, the back-fit rule.

¹ 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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- Beyond-design-basis-related requirements should be separate and distinct from regulations that address design basis and safety-related matters to the degree practicable (e.g., design-basis SSC requirements, operator training, emergency preparedness, etc.).
- The rulemaking should enable subsequent development of a clear, understandable inspection regime.
- Change control for beyond-design-basis activities should be under the licensee's purview and subject to NRC inspection.
- Training needs should be determined through the Systematic Approach to Training (SAT) process.
- Implementation dates for requirements should consider the cumulative effects of regulation.

The NRC staff has indicated that, given the nature of the proposed rulemaking approach, it will be very important to maintain discipline in the scope and applicability of new requirements. We agree and encourage the staff to identify specific methods for accomplishing these goals while the proposal is still in the "concept" stage.

Finally, we believe that a consolidated approach to rulemaking would facilitate a more efficient use of staff and industry resources and promote better alignment between final rule elements and related guidance.

Please contact me or David Young (202-739-8127; dly@nei.org) if you would like to discuss our comments in detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Perkins-Grew".

Susan Perkins-Grew

c: Mr. Sher Bahadur, NRR/DPR, NRC
Ms. Shana R. Helton, NRR/DPR/PRB, NRC
NRC Document Control Desk