

January 30, 2006

Mr. Stephen D. Floyd
Vice President of Regulatory Affairs
Nuclear Generation Division
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: DELIVERY OF INDUSTRY REPORTS FOR USE IN UPDATING
REGULATORY GUIDANCE

Dear Mr. Floyd:

In your letter to me, dated March 2, 2005, you stated that two substantial seismic issues “need to be resolved by June 2006 if the Administration’s NP2010 program is to remain on schedule.” In my response to you, dated May 16, 2005, I committed U.S. Nuclear Regulatory Commission (NRC) staff to interact with representatives from the nuclear power industry. The purpose of this interaction is to reach a common understanding as a basis for resolving seismic issues related to early site permit (ESP) and combined construction and operating license (COL) applications of nuclear power plants, in support of the Administration’s NP2010 initiative. Since then, the NRC staff has interacted with industry representatives in a series of public meetings. During those meetings, the Nuclear Energy Institute (NEI) has continued to emphasize the need for a common understanding of the bases for updating seismic regulatory guidance by the middle of 2006 to support new reactor applications.

Recently, it was brought to my attention that there have been significant delays in the delivery of industry final technical reports that are needed to support resolution of the seismic issues, as can be seen in the enclosed table. The schedule slippage for delivery of the industry reports will result in subsequent slippage of NRC products. Further, if the quality of the industry reports does not meet our needs, or if the reports differ from the characterizations presented in the public meetings, the resolution of the issues will be further delayed. We urge you to submit these reports as soon as possible. Once we receive them and confirm that they are of sufficient quality and are consistent with characterizations the industry presented in public meetings, we will establish a review schedule. However, based on the current delays, we do not anticipate being able to meet your request to complete our reviews and reach a common understanding for resolving seismic issues by mid-2006.

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We are committed to continuing our interactions with industry representatives in working toward resolution of seismic issues. If you have any questions or comments concerning this matter, please contact Dr. Andrew J. Murphy at (301) 415-6011 or AJM1@nrc.gov.

Sincerely,

/RA/

Carl J. Paperiello, Director
Office of Nuclear Regulatory Research

Enclosure:
As stated

cc w/enclosure: Marvin S. Fertel (NEI)

