

August 22, 2006

Mr. Anthony Pietrangelo
Vice President for Regulatory Affairs
Nuclear Generation Division
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

Dear Mr. Pietrangelo:

I am writing to inform you that the U.S. Nuclear Regulatory Commission (NRC), Office of Nuclear Regulatory Research, is proceeding with the fast-track development of a new draft Regulatory Guide DG-1146, "A Performance-Based Approach to Define the Safe-Shutdown Earthquake Ground Motion." Our goal is to finalize the draft regulatory guide, which will contain new guidance pertaining to a performance-based approach for defining the safe-shutdown earthquake (SSE) ground motion for new nuclear power reactor designs, by March 2007. This effort is being undertaken to support the Early Site Permit (ESP) and Combined Operating License (COL) applications. It should be noted that the existing guidance, described in Regulatory Guide 1.165, "Identification and Characterization of Seismic Sources and Determination of Safe Shutdown Earthquake Ground Motion," dated March 1997, remains an acceptable alternative for licensee use.

At the public meetings on "Early Site Permit/ Combined Operating License (ESP/COL) Seismic Issue Resolution," on May 10–12, 2006, representatives of the Nuclear Energy Institute (NEI) advised the NRC that the technical reports developed by the Electric Power Research Institute (EPRI) under Tasks G1.1, G1.2, G1.3, and I1.1, would be provided to the NRC in final form by June 30, 2006, and the reports developed under Tasks S2.1 and S2.2 would be provided soon thereafter. As agreed at the meeting, the NRC staff transmitted further requests for additional information (RAIs), on June 1, 2006, for resolution by NEI. Additionally, it was expected that NEI would support a public meeting in July 2006 to discuss the resolution of the staff RAIs and any remaining technical issues. On July 21, 2006, the staff received the EPRI reports for Tasks G1.1, G1.2, G1.3, and I1.1, and was advised that the earliest that NEI could support a public meeting to discuss the reports is August 29, 2006. As a result of the late arrivals of the EPRI reports and the responses to staff's RAIs, it is unlikely that the NRC staff and industry will be able to reach a common understanding on seismic issues, as previously discussed, by mid-summer. As such, we intend to issue DG-1146 for public comment by October, 2006. However, the NRC staff will continue to interact with industry representatives to develop resolutions of these issues in support of ESP and COL applications of nuclear power plants. We intend to consider any additional input, including RAI responses, as part of the public comments for the draft Regulatory Guide DG-1146.

A. Pietrangelo

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The NRC staff benefitted from and intends to use the technical concepts from EPRI reports G1.1, G1.2, G1.3, I1.1 in DG 1146, as appropriate. The NRC welcomes the continued dialogue and exchange of information that will inform the development of the technical basis for this new regulatory guide.

Sincerely,

/RA/

Brian W. Sheron, Director
Office of Nuclear Regulatory Research

A. Pietrangelo

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/RA/

Brian W. Sheron, Director
Office of Nuclear Regulatory Research

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