



Anthony R. Pietrangelo
VICE PRESIDENT
REGULATORY AFFAIRS

December 12, 2008

Mr. Eric Leeds
Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Regulatory Issue Resolution Process

Project Code: 689

Dear Mr. Leeds:

The nuclear regulatory process is a key element of the environment for operating safe, reliable and efficient nuclear plants. The effectiveness and transparency of the process is also the foundation for public confidence in nuclear energy. While the current fleet of 104 reactors is operating at record levels of safety and reliability that have been sustained over several years, there are numerous examples of regulatory issues that could be addressed and closed more effectively. Untimely resolution of these issues diverts both industry and NRC attention and resources and reduces public confidence in the regulatory process. These prolonged efforts often result from lack of a common understanding of the regulatory process itself, as well as the lack of a defined process for achieving closure. The purpose of this letter is to propose a public process to work through several examples as a pilot for a regulatory issue resolution process that enhances consistency in the regulatory process and achieves timely resolution and closure of generic issues.

An example that illustrates our concerns is the issue on control of heavy loads, in particular the handling of the reactor vessel head during outages. This issue dates back to generic NRC communications in the 1980s and, more recently, in 2005 and 2007. First, we acknowledge the importance of the control of heavy loads at nuclear power plants. Since the first generic communication was issued in 1980, the industry has institutionalized safe handling practices and other design features that make the probability of a reactor vessel head drop event remote. We also acknowledge the role of the NRC staff to issue generic communications when operating experience or inspection findings warrant increased attention to safe handling practices.

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However, while we believe this issue has fundamentally been resolved, we have yet to achieve closure, and it is evident that many elements of the regulatory process are either unclear or not commonly understood, including:

- The applicability of GDC 4, *Environmental and Dynamic Effects Design Bases*, to postulated reactor vessel head drops;
- The implementation of 10 CFR 50.71(e) FSAR updates including responses to NRC generic communications;
- The applicability of 10 CFR 50.59 to analytical methods that are used for beyond design bases events; and
- The need to conduct regulatory analysis to justify changes to regulatory positions.

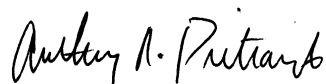
These types of regulatory process questions and uncertainties are not unique to the heavy loads issue. Other regulatory issues suffer from the same or similar process uncertainties that impede timely and effective resolution or closure after the fundamental issue is resolved.

As part of the 2008 NEI Licensing Forum in October, NEI provided to NRC for comment a white paper, *Regulatory Issue Screening Process*, which was developed by our Licensing Action Task Force (LATF). The white paper includes an appendix with 20 examples of regulatory issues (enclosed) that have been identified over the last several years. The intent of the examples is not to demonstrate where the industry is right and the NRC is wrong. Rather, the examples are intended to illustrate where there may be disconnects in our collective understanding of the regulatory process that are complicating and prolonging the resolution and closure of issues.

Our proposal is to begin a pilot project to examine a subset of the examples discussed in the enclosure. The pilot would test a resolution process that includes a problem statement, objective, success criteria to achieve closure, action items, and milestones designed to manage an issue to timely resolution. The pilot would also map the resolution approach for each example through the regulatory process to ensure consistency. Following the pilot, lessons learned would be documented, communicated and incorporated into the process. We envision that this process would serve as a management tool to drive existing issues to closure, manage newly identified generic issues more effectively, and enhance understanding of and consistency in the regulatory process.

In closing, I want to underscore our commitment to work closely with you, your staff, and other stakeholders to ensure that the regulatory process effectively supports our mutual objectives of safety, reliability and public confidence in nuclear energy. I intend to serve as the executive sponsor of this effort on behalf of the industry, and I respectfully request your consideration to serve the same role for your office. I look forward to this endeavor.

Sincerely,



Anthony R. Pietrangelo

Enclosure