



NUCLEAR ENERGY INSTITUTE

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6/8/09

74 FR 27191

June 18, 2009

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BY EMAIL AND U.S. MAIL

Ms. Cynthia A. Carpenter, Director
Office of Enforcement
Mailstop 4A15A
U.S. Nuclear Regulatory Commission
Washington, DC 200555

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RULES AND DIRECTIVES
BRANCH
USNRC

SUBJ: Request for extension of public comment period on revised draft supplement to NRC Enforcement Policy (74 Fed. Reg. 27,191)

Dear Ms. Carpenter:

On June 8, 2009, the NRC published in the *Federal Register* a notice of availability of a revised draft Supplement 6.0 to the NRC Enforcement Policy and a request for comment on the proposed revisions. See 74 Fed. Reg. 27,191. Comments on this 2009 proposed amendment to Supplement 6.0 of the Policy, which sets forth enforcement violation examples, are currently due to the NRC by Wednesday, July 8, 2009.

For the reasons set forth below, the Nuclear Energy Institute (NEI)¹ requests that the NRC extend this comment period for at least three weeks, until approximately *July 29, 2009*. We base this request on the fact that the proposed changes to Supplement 6.0 cover many significant enforcement-related topics that merit careful stakeholder review and comment. Some areas of the supplement are new (e.g., fitness for duty). Other areas of comment require close scrutiny to ascertain whether ongoing activities in substantive program areas (e.g., new plant licensing) are reflected in the enforcement violation examples. Many of the proposed changes would have benefitted from discussion in NRC public meetings; however, we are unaware of the NRC proposing any such meetings.

¹ 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 fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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add = D. Starkey (drs)

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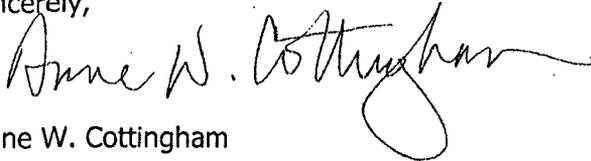
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More specifically, we note that the proposed revision to Enforcement Policy Supplement 6.0. is approximately 28 pages long and covers 14 separate categories of enforcement violation examples, each of which includes examples of Severity Level I, II, III, and IV violations. Each sample violation must be individually reviewed, and the implications of any changes must be evaluated. As the NRC states, "[t]he violation examples in this Policy are intentionally broad in scope so as to serve as a set of guiding examples that are neither exhaustive nor controlling for severity level determinations."

Moreover, to develop a fully informed view, stakeholders cannot examine the proposed revisions in a vacuum. NEI has found it necessary to compare the set of sample violations in each subject area against both the 2008 and the 2005 versions of the NRC Enforcement Policy. Some examples have been changed significantly, and new violation examples also have been added. Review of the changes is also complicated by the need to consider whether any violation examples have been modified in the 2009 version to reflect public comments submitted to the NRC in November 2008. Every example must be reviewed individually, since no accompanying discussion of the rationale for the 2009 changes is provided.

For all of these reasons, NEI respectfully requests that the NRC Staff extend the public comment period on this matter from July 8 until **July 29, 2009**, to allow sufficient time to develop informed comments on behalf of the nuclear industry. Should you require additional information relating to this request for extension, please contact me (202/739-8139) at NEI.

Sincerely,



Anne W. Cottingham

cc: Mr. Doug Starkey
Mr. Michael Lesar