



NUCLEAR ENERGY INSTITUTE

Ellen Ginsberg
Vice President, General Counsel
and Secretary

December 16, 2009

BY EMAIL AND U.S. MAIL

Mr. James E. Lyons, Chairman
Committee to Review Generic Requirements
U.S. Nuclear Regulatory Commission
Church Street Building
Mail Stop - C6D20M
Washington, DC 20555-0001

Dear Mr. Lyons,

The Nuclear Energy Institute (NEI)¹ is pleased to provide these comments on the future role of the Committee to Review Generic Requirements (CRGR). NEI provides these comments in light of the Office of Inspector General's 2009 Audit Report concerning the CRGR.² Potential CRGR responses to the recommendations in the Audit Report were discussed at a public meeting held on November 9, 2009. NEI and several industry representatives participated in the November 9, 2009, public meeting and NEI is providing these written comments to expand upon the points made during the meeting.

In short, NEI believes that the NRC is at a crossroad with respect to implementation of the backfit rule (10 CFR 50.109). Decisions on the future role of the CRGR will either support meaningful implementation of the backfit rule, or further erode its utility. Specifically, a reinvigoration of the CRGR's involvement in the backfitting process will help to ensure a rigorous and meaningful application of the rule through independent, high-level management review of significant backfitting decisions. An active CRGR will also serve to support the EDO in carrying out his mandate to approve all backfitting analyses required by § 50.109.

See 10 CFR 50.109(e). In contrast, we believe that diminishing CRGR's active involvement in the NRC's backfitting process – particularly its role as an independent reviewer of NRC staff backfitting decisions – will render the backfit rule virtually ineffective.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

² NRC Office of Inspector General, "Audit of the Committee to Review Generic Requirements," OIG-09-A-06 (February 2, 2009) (Audit Report).

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NEI's specific recommendations on the future of the CRGR are included in the enclosure to this letter. If you have any questions concerning these comments please feel free to contact Jerry Bonanno (jxb@nei.org, 202-739-8147).

Very truly yours,



Ellen C. Ginsberg

Enclosure

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