NUCLEAR ENERGY INSTITUTE

Janet R. Schlueter
DIRECTOR
FUEL AND MATERIALS SAFETY
NUCLEAR GENERATION DIVISION

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Mr. Michael D. Tschiltz
Deputy Director
Division of Fuel Cycle Safety and Safeguards
U.S Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Supplemental Industry Comments on Draft NUREG-1520, Revision 1, "Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility".

Project Number: 689

Dear Mr. Tschiltz:

On behalf of the fuel cycle industry, the Nuclear Energy Institute (NEI)[1] provides supplemental comments for your consideration as Draft NUREG-1520 is being finalized. We appreciated the October 8, 2009 public meeting discussion, which informed the October 23, 2009 NEI comment letter on the August 2009 version of Draft NUREG-1520. We have also reviewed the January 2010 version of the document and comment resolution matrix, both made available on the U.S. Nuclear Regulatory Commission's (NRC) website. As such, we submit the following general comments and enclosed specific comments, some of which are in response to NRC staff comments on the document.

Our comments are consistent with those provided previously, and emphasize areas where modifications to the current draft are needed to provide additional clarity or avoid further confusion by both NRC and industry. Most importantly, we remain concerned with four specific proposed revisions to Draft NUREG-1520. Specifically: 1) two revisions addressing significant regulatory issues of ongoing discussion between the NRC and industry (i.e., design features[2] and chemical dermal exposure standards[3]); 2) one introducing a new term that is not defined in or required by

[1] The Nuclear Energy Institute (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, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.
[2] October 2009 public meeting and Industry Paper on Design Features to NRC via NEI letter dated January 22, 2010.
[3] 2 NEI letters, 2 NRC letters and one public meeting between September 2008 and November 2009.

1776 I Street, NW | Suite 400 | Washington, DC | 20006-3708 | P: 202.739.8098 | F: 202.533.0132 | jrs@nei.org | www.nei.org

Part 70 (i.e., "IROFS boundary package"); and 3) redefining the risk index values for "highly unlikely" and "unlikely" to a value different than that used in licensees' Integrated Safety Analyses and accepted by NRC. This important modification is troubling since NRC staff acknowledged during the October 2009 public meeting that the risk index value was in error and would be corrected in the final NUREG.

As such, it is premature to modify NUREG-1520 to provide guidance on such important and somewhat controversial and complex topics or to use new, undefined terms and its implications for licensee or applicant submittals when discussions between NRC and industry continue, and additional NRC guidance may be warranted. Therefore, the proposed revisions to NUREG-1520 on these topics should not be made until such time that a final agency position is discussed with and provided to industry and other stakeholders.

We appreciate the opportunity to provide these supplemental comments and look forward to reviewing the final version of NUREG-1520. If you have any questions or comments, please feel free to contact me at 202.739.8098; jrs@nei.org.

Sincerely,

Janet R. Schlueter

Attachment

c: Mr. Daniel H. Dorman, NMSS/FCSS, NRC
Mr. Michael F. Weber, NMSS, NRC