

April 13, 2010

Ms. Janet R. Schlueter, Director
Fuel & Material Safety
Nuclear Generation Division
Nuclear Energy Institute
1776 I Street, NW
Suite 400
Washington, DC 20006-3708

SUBJECT: DESIGN FEATURES ASSOCIATED WITH THE INTEGRATED SAFETY
ANALYSIS

Dear Ms. Schlueter:

This letter is in response to your letter dated January 22, 2010, and our subsequent meeting on March 11, 2010, regarding the use of design features in the integrated safety analysis. The U.S. Nuclear Regulatory Commission (NRC) appreciates the Nuclear Energy Institute's (NEI) perspective on this issue and is carefully reviewing the consensus paper transmitted by your letter, as well as the proposed path forward.

Prior to the October 8, 2009, meeting on this topic, the NRC had formed a staff working group to examine the use of design features. The members were in attendance at the meeting on March 11, 2010, and have been considering industry input and dialog presented before and after the meeting.

As a path forward, the NRC staff will be developing guidance on design features, bounding assumptions, and items relied on for safety. We plan to make a discussion draft publicly available approximately 10 days prior to our next public meeting with industry officials, which is tentatively scheduled for April 27, 2010.

The Industry and the NRC should work together to place the guidance in effect in a timeframe which will support any license modifications or changes to the integrated safety analysis (ISA) required for the January 2011 Annual ISA Updates.

Staff is also considering NEI's request for enforcement discretion until the generic issue related to design features is addressed. Staff is exploring all options with the Office of Enforcement, and will notify you when a decision is made.

In accordance with 10 CFR 2.390(d) of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). The change request summary and other enclosures to letter 10-004 will be withheld from the public in accordance with 10 CFR 2.390(b).

If you have any questions, please contact Michael Raddatz of my staff at (301) 492-3108, or via email at Michael.Raddatz@nrc.gov.

Sincerely,

/RA/

Daniel H. Dorman, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

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Sincerely,

/RA/

Daniel H. Dorman, Director
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Office of Nuclear Material Safety
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