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EXECUTIVE DIRECTOR
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March 15, 2012

Mr. David L. Skeen
Director, Japan Lessons Learned Project Directorate
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Status of Regulatory Response to the Accidents at Fukushima Dai-ichi

Project Code: 689

Dear Mr. Skeen:

On March 12, 2012, the U.S. Nuclear Regulatory Commission (NRC) issued three separate orders to nuclear power plants regarding reliable hardened containment vents, mitigation strategies for beyond-design-basis external events and spent fuel pool instrumentation. These orders were issued as a result of the NRC's evaluation of the lessons learned from the accident at Fukushima Dai-ichi in March 2011. The orders are identical with respect to implementation schedules and require "full implementation no later than two (2) refueling cycles after submittal of the overall integrated plan ... or December 31, 2016, whichever comes first."

In industry discussions on the orders, licensees have expressed a need for clarification on what is meant by "two refueling cycles." Depending on how the term is interpreted, some licensees could not be in a position to realistically complete full implementation of the orders within the times specified in Section IV.A of the orders, particularly in light of the timing of guidance availability. This may especially be a concern for BWR Mark Is and IIs that will not have a clear understanding of the full scope of necessary containment venting system modifications until the summer of 2012 because of the issues associated with filtered containment venting.

From the public discussions in recent months, we understand that the correct interpretation of "two refueling cycles" is:

"Two refueling cycles" should be interpreted to mean "two full refueling cycles." This means that the implementation requirement in Section IV.A.2 of the orders will not begin until the commencement of control rod withdrawal after the first refueling outage following a

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licensee's submittal to the NRC of the overall integrated plan for approval. For example, a licensee with an 18-month refueling cycle and outages scheduled for the fall of 2013, the spring of 2015, and the fall of 2016, with the commencement of plant start-up (control rod withdrawal) for the 2016 outage commencing on December 1, 2016, would be required to be in compliance on December 1, 2016. A licensee with a two-year operating cycle and with the first refueling outage starting at the same time, fall 2013, may not be able to meet the compliance date of December 31, 2016. In this case, the licensee would inform the NRC of the reason for not meeting the completion date: only one outage to finalize the design, procurement and installation of modifications.

In addition to the implementation schedule, questions have also been raised regarding the specific filing requirements for the 20-day response required in Section IV.B of the orders. In discussions between NEI and NRC staff in the Office of the Secretary and in the Office of Nuclear Reactor Regulation, the NRC staff has explained that licenses may file their 20-day responses through the same mechanisms by which licensees file routine licensing actions. The NRC staff has further stated that a licensee must file the answer as an adjudicatory filing using the NRC's E-filing system only if they intend to request a hearing on the orders. NEI will advise our members that that a licensee only needs to file their 20-day responses as adjudicatory filings in the E-filing system if it intends to request a hearing. If a licensee intends to consent to the order, we intend to recommend that the submittal be filed in accordance with the NRC's routine, non-adjudicatory filing mechanisms. Any format that is generally used by licensees to submit licensing documents would be acceptable.

In view of the 20-day response period for the orders, a timely NRC confirmation and response that our interpretations are consistent with NRC expectations is critical for licensees that are scheduled to submit responses on April 2, 2012.

If you or your staff has questions, please contact Jason Zorn (202-739-8144; jcz@nei.org) or me.

Sincerely,



Adrian Heymer

c: Mr. Michael R. Johnson, NRO, NRC
Mr. Eric J. Leeds, NRR, NRC
Mr. Robert M. Taylor, NRR/JLD, NRC