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TO: LEADS, NRR

AUTHOR:

Donald Hoffman

AFFILIATION:

ANS

ADDRESSEE:

Chairman and Commissioners cc'd

SUBJECT:

Responds to NRC's September 28, 2012, letter - Response to the American Nuclear Society's letter on US NRC Press Release, No. 12-064

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merke, OEDD

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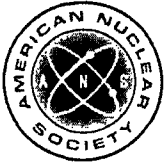
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## AMERICAN NUCLEAR SOCIETY

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October 30, 2012

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

Dear Mr. Skeen:

Thank you for your letter of September 28, 2012 in which you have responded to a suggestion that we had made earlier that the American Nuclear Society (ANS) Standards Committee could develop voluntary consensus standards (VCSs) in support of ongoing Nuclear Regulatory Commission (NRC) activities related to post-Fukushima safety improvements. As you have mentioned, the NRC often relies on VCSs developed by various Standards Developing Organizations (SDOs) in response to the 1995 National Technology Transfer and Advancement Act.

I have consulted with our Standards Committee and Executive Committee and would like to specifically address three issues raised in your September 28, 2012 letter in the balance of this letter.

### Issue 1: Consensus Standards for Tier 3 Activities

ANS, working with any other SDO as relevant, is fully prepared to focus the activities of its consensus committees on Tier 3 activities to enable NRC to gain the maximum regulatory benefits from its use of VCSs. This is echoed by the Nuclear Energy Institute (NEI) by its suggestion that subject matter experts of a consensus standards committee could be helpful in addressing Tier 3 post-Fukushima issues (see attached letter from A. P. Heymer (NEI) to D. L. Skeen, "Comments on NRC Tier 3 Recommendations on Lessons Learned from the Accidents at Fukushima Dai-ichi Nuclear Power Plant in Japan Containment Vents," dated June 8, 2012). Even as the range and scope of Tier 3 activities are quite varied and broad, they all fall within the mature nuclear technology areas for which ANS develops VCSs. Various ANS consensus committees will be conducting meetings during the ANS Annual Winter Meeting that will be held from November 11 to 15, 2012 at San Diego, CA. These committees will be discussing Tier 3 category issues and intend to make recommendations regarding which ones may be best suited for work on standards development. Soon after these meetings, ANS will be proposing further interaction between NRC staff and the ANS Standards Committee to discuss the best path forward for it and the NRC in this important area.

### Issue 2: Differing Views on Consensus Standards among External NRC Stakeholders

ANS is fully prepared to employ its time-tested and deep reservoir of experience in consensus formulation to establish common ground amongst all stakeholders identified by NRC. ANS is convinced that this will be one of the most important benefits that NRC may gain by engaging the ANS Standards Committee skills

in resolving difficult issues NRC is presently confronting. Although such challenges to establish consensus are common with all SDOs, ANS has more specific experience in addressing such issues, as it recently has regarding probabilistic risk assessments.


Issue 3: December 2012 Public Meeting Support

ANS is fully prepared and willing to support an NRC public meeting in the December 2012 timeframe for the purpose of assessing whether any other SDOs have interest in developing VCSs that address Fukushima Dai-ichi lessons-learned and to determine which activities would be appropriate and desirable. The ANS Standards Committee is prepared to make a presentation to all stakeholders describing the standards development process and opportunities to become engaged in formulating the requirements in any standard. Although this is a routine matter in the application of the standards development process under the rules of the American National Standards Institute, the accrediting organization for many SDOs including ANS, ANS is more keenly attuned to the sensitivities of the range of stakeholders that the NRC needs to include in developing its regulatory requirements.

We have appreciated the many prior opportunities to work with NRC staff and look forward to effectively supporting the future decision-making process associated with the development of a path forward on post-Fukushima Tier 3 matters.

Please contact Mr. Donald Spellman, Chairman, ANS Standards Board, should you have any questions.

Sincerely,



Donald Hoffman, VP/President-Elect  
American Nuclear Society

Attachments:

- 1) Letter from A.P. Heymer (NEI) to D. L. Skeen, June 8, 2012
- 2) Letter from D. L. Skeen (NRC) to M. Corradini, September 28, 2012

cc: Chairman Allison M. Macfarlane  
Commissioner George Apostolakis  
Commissioner William D. Magwood, IV  
Commissioner William C. Ostendorff  
Commissioner Kristine L. Svinicki  
Michael J. Case, NRC  
Adrian P. Heymer, NEI  
Michael Corradini, ANS President  
Donald J. Spellman, ANS Standards Board Chair



**Adrian P. Heymer**  
EXECUTIVE DIRECTOR  
FUKUSHIMA RESPONSE COORDINATION & STRATEGY

June 8, 2012

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

**Subject:** Comments on NRC Tier 3 Recommendations on Lessons Learned from the Accidents at Fukushima Daiichi Nuclear Power Plant in Japan Containment Vents

**Project Code: 689**

Dear Mr. Skeen:

The Nuclear Energy Institute (NEI<sup>1</sup>) appreciates the opportunity to provide comments on the Nuclear Regulatory Commission's Tier 3 recommendations on the lessons learned from the reactor accidents at the Fukushima Dai-ichi nuclear power station in Japan.

#### General Comments

The NRC appropriately prioritized the recommendations of the NRC Fukushima Near-Term Task Force, the NRC Advisory Committee on Reactor Safeguards and members of the public. The industry agrees with the items that the NRC determined should be pursued without delay, categorized as Tier 1. Preliminary industry assessments indicate that the Tier 1 items, when completed, will achieve as much as 90 percent of the safety benefit from all recommendations.

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<sup>1</sup> 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, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Mr. David L. Skeen

June 8, 2012

Page 2

At this time, the safety benefits derived from proceeding with implementation of the Tier 2 or Tier 3 recommendations are unclear. The implementation of Tier 1 items may address Tier 2 or Tier 3 issues. Once the path forward on the Tier 1 items is clear and implementation plans have been approved, better assessments of the benefits of proceeding with Tier 2 and Tier 3 can be made. At that time, the safety benefits of Tier 1 will be known and the significance of the Tier 2 and Tier 3 actions can be better assessed.

Neither the industry nor the NRC has infinite financial or staffing resources. The industry has mobilized its resources to focus on implementing Tier 1 recommendations—those actions that will provide the greatest safety benefit. The industry's resources are fully committed to implementing Tier 1. While the industry understands the need for planning, it does not support nor does it have the resource capability to start work on non-Tier 1 activities before the Tier 1 scope and implementation details are reviewed and approved. To do so, will jeopardize Tier 1 schedules by diverting industry and NRC resources and management focus away from those actions that provide the greatest safety benefit.

The need for pursuing Tier 2, Tier 3 and any other issues identified at a later date should be based on the following principles:

- Direct linkage with the progression of the accident at Fukushima Dai-ichi
- The defined safety benefit and safety significance based on holistic risk-informed insights, taking into account the safety benefit from implementing Tier 1 actions
- Direct applicability to U.S. plants, taking into account differences from Japanese plants in design, training and plant management practices, including severe accident management guidelines, plant procedures and work practices.

Tier 3 issues should not be evaluated in isolation from other Fukushima-related issues. An integrated assessment that includes the benefits of implementing Tier 1 actions should be performed before reaching a decision on whether to proceed with implementing any Tier 3 recommendations. There are numerous options and holistic risk-informed assessments should be used, focusing first on those that have the greatest safety benefit.

#### Detailed Comments


The attachment to this letter provides the industry's detailed comments on the Tier 3 recommendations.

The industry remains committed to implementing the lessons learned from the Fukushima accidents that will further enhance safety and the protection of public health and the environment.

Mr. David L. Skeen  
June 8, 2012  
Page 3

Please contact me at 202.739.8094; [aph@nei.org](mailto:aph@nei.org), if you have questions pertaining to these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "A. P. Heymer". The signature is written in a cursive style with a horizontal line underneath the name.

Adrian P. Heymer

Attachment

c: Mr. John D. Monninger, NRR/JLD, NRC  
NRC Document Control Desk



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 28, 2012

RECD OCT 02 2012

Dr. Michael Corradini, President  
American Nuclear Society  
555 North Kensington Avenue  
La Grange Park, IL 60526-5592

SUBJECT: RESPONSE TO THE AMERICAN NUCLEAR SOCIETY'S LETTER ON THE  
U.S. NUCLEAR REGULATORY COMMISSION PRESS RELEASE, NO. 12-064

Dear Dr. Corradini: *Mike,*

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated July 2, 2012, where you recommend that the NRC give a high-priority to enabling the appropriate nuclear Standards Development Organizations (SDOs) to convert the technical content of four Nuclear Energy Institute and Electric Power Research Institute documents into national consensus standards. In addition, you suggest that the Nuclear Energy Standards Coordination Collaborative (NESCC) be used as the forum to pursue the aforementioned conversions to consensus standards.

The NRC is supportive of the development of consensus standards by SDOs. The NRC has a long history of using consensus standards in lieu of NRC-developed regulations, known as government-unique standards, under the National Technology Transfer and Advancement Act. Among these standards are the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for the design and construction of piping systems, the Institute of Electrical and Electronics Engineers 603 Code for the design of instrumentation and control systems, and National Fire Protection Association 805 Code on risk-informed fire protection. In addition, the NRC often relies on consensus standards to provide guidance on acceptable approaches for complying with NRC requirements, typically for endorsing standards in documents such as Regulatory Guides.

As you discussed, the Commission approved a set of activities for addressing lessons learned from the Fukushima Dai-ichi accident. These are classified as Tier 1, 2, and 3, level activities. The Tier 1 activities were considered the highest priority and action has been taken to begin implementation of each of the Tier 1 items. On July 13, 2012, the NRC issued SECY-12-0095, "Tier 3 Program Plans and 6-Month Status Update in Response to Lessons Learned from Japan's March 11, 2011, Great Tohoku Earthquake and Subsequent Tsunami" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12165A089), which provides a summary of how Tier 1, 2, and 3 activities are or will be addressed. SECY-12-0095 may be found on the NRC's public website at <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2012/>.

The four documents recommended in your letter to be converted into consensus standards, are all related to Tier 1 activities. The NRC staff is concerned that a consensus standard may not offer substantial near-term regulatory value to the Tier 1 and Tier 2 activities because these are "one-time" activities rather than activities that the NRC would normally require to be conducted on a recurring or as-needed basis. In addition, given the Commission-directed schedule for completion of the Tier 1 activities (from Staff Requirements Memorandum to SECY-11-0124,

"Recommended Actions To Be Taken Without Delay From the Near-Term Task Force Report," ADAMS Accession No. ML112911571), it is unlikely that a consensus standard could be developed in sufficient time to be of use in Tier 1 activity implementation.

However, the NRC staff believes there is a greater opportunity for SDOs to develop consensus standards that would be of regulatory benefit for the Tier 3 activities. To support these activities, a consensus standard would need to be developed on a schedule consistent with the Tier 3 schedules in SECY-12-0095. The schedule must include sufficient time for the NRC to endorse the standard (ordinarily through "notice and comment rulemaking") in support of the Tier 3 schedules.

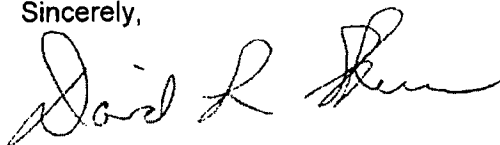
While the American Nuclear Society (ANS) and other SDOs have expressed interest in developing standards in support of NRC actions in response to the Fukushima Dai-ichi nuclear accident, some external NRC stakeholders may have differing views with respect to the NRC's reliance on consensus standards. Therefore, any potential use of consensus standards addressing Fukushima Dai-ichi lessons-learned should be discussed in a public process open to all NRC external stakeholders. The NRC is considering holding a public meeting as early as December 2012, for the purpose of assessing whether any SDOs are interested in developing consensus standards that address Fukushima Dai-ichi lessons-learned, and to determine which lessons learned activities would be appropriate and desirable. We would welcome the ANS's views as to whether such a meeting would be useful.

In light of the Commission-directed schedule on Fukushima Dai-ichi lessons-learned activities, the staff requests ANS's views on our proposal by November 2, 2012, if possible. This timely response would allow the NRC to schedule a meeting and consider any information received at the meeting in sufficient time to inform NRC staff decisions on the path forward for Tier 3 items.

The NRC notes that – apart from any NRC approval of, or participation in, SDO activities to develop consensus standards addressing Fukushima Dai-ichi lessons-learned – any SDO may independently develop a consensus standard to address any SDO-perceived need. Following the SDO adoption of that standard, the SDO may present the standard to the NRC for regulatory use, or independently seek industry action to voluntarily comply with the standard.

Thank you for your interest in supporting development of consensus standards for ongoing NRC activities. I look forward to further interactions with ANS on issues related to nuclear safety.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Skeen". The signature is fluid and cursive, with a large initial "D" and "S".

David L. Skeen, Director  
Japan Lessons-Learned Project Directorate  
Office of Nuclear Reactor Regulation