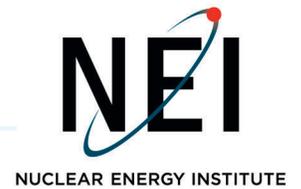


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October 2, 2014

Mr. K. Steven West
Deputy Director, Office of Nuclear Regulatory Research
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Subject: Regulatory Issue Summary [2014-XX](#), "Tornado Missile Protection," and the NRC's Committee to Review Generic Requirements (CRGR)

Project Code: 689

Dear Mr. West:

On behalf of the Nuclear Energy Institute¹ and the nuclear industry, thank you for the conference call on August 25, 2014, in which you provided information on the process for review of the proposed Regulatory Issue Summary (RIS) [2014-XX](#), "Tornado Missile Protection," by the NRC's Committee to Review Generic Requirements (CRGR). The briefing helped us to understand what to expect as the staff addresses public comments on the RIS and presents the proposed final version of the RIS for review by the CRGR. Our understanding of your key points is as follows:

- The CRGR will conduct a *formal* review of the RIS, per Section III of the CRGR Charter.
- The scope of the formal review will include the proposed final RIS and staff's resolution of all public comments on the draft RIS, to determine whether the RIS constitutes a backfit.
- The formal review will be conducted via formal interactions with the staff, per Section IV of the CRGR Charter.

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, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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- The CRGR does *not* plan to hold discussions with ACRS or external stakeholders during this review (an option for such interactions is described in the CRGR Charter²).
- At the conclusion of that formal review, the results of the CRGR review will be made public.

We have great concerns with the RIS and the Interim Enforcement Policy that accompanies and implements the RIS. In our June 16, 2014, comment letter³, we highlighted two backfit concerns:

1. The draft RIS appears to redefine the term Current Licensing Basis (CLB) to: (a) exclude the staff safety evaluation report on the Systematic Evaluation Program (SEP) and the staff report on results of the Individual Plant Examination of External Events (IPEEE), and (b) add tornado missile protection requirements of Regulatory Guide 1.117 and Standard Review Plan 3.5.2 that are not part of the CLB unless the licensee specifically committed to meet those positions.
2. The RIS appears to present a new view of the SEP and IPEEE as not having closed the matter of tornado missile protection on the affected plants. This new view and the conclusion it leads to, that tornado missile protection must be reopened, appears to be a backfit.

For this reason, we strongly recommend that the staff hold a public meeting to discuss its proposed resolution of all public comments on the draft RIS prior to presenting the final RIS to the CRGR. We also recommend that the CRGR:

1. Reconsider the option of discussing the RIS with the Advisory Committee on Reactor Safeguards (ACRS) and external stakeholders, and invite these additional inputs to the CRGR's deliberations on the RIS, prior to completing the formal review.
2. Consider conducting the formal review as a public meeting.
3. Hold a public meeting immediately following its formal review of the RIS, to discuss its conclusion and the basis for that conclusion, as well as next steps.

We believe these actions are essential to ensure full understanding and open consideration of the starkly contrasting perspectives on the issues raised by the RIS.

Again, thank you for sharing information on the CRGR review process.

² CRGR Charter, Appendix A, "Review Process for Proposed New or Revised Generic Requirements and Staff Positions," page 2, "Schematic Representation of Review of New or Revised Generic Requirements" and Appendix B, "Procedures to Control Proposed New or Revised Generic Requirements and Staff Positions," Section B, page 3, "The review process may involve a public meeting with the external stakeholders if the backfit issue remains unresolved."

³ ADAMS Accession Number ML14169A262.

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If you have any questions in this matter, please contact James Slider (202-739-8015; jes@nei.org) or me.

Sincerely,

A handwritten signature in black ink that reads "Chris Earls". The signature is written in a cursive style with a long, sweeping underline.

Christopher E. Earls

c: Mr. Mark A. Satorius, Executive Director for Operations, NRC
Margaret M. Doane, Esq., OGC, NRC
Mr. William M. Dean, R-I, NRC
Dr. Jennifer L. Uhle, NRR, NRC
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