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NUCLEAR ENERGY INSTITUTE

October 15, 2014

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Subject: Supplemental Comments on NRC "Proposed Procedures for Conducting Hearings on Whether Acceptance Criteria in Combined Licenses Are Met" (Docket ID NRC-2014-0077), as Discussed at September 22, 2014, NRC Public Meeting

Dear Mr. Spencer:

As a follow-up to the discussion at the September 22, 2014 NRC public meeting, the Nuclear Energy Institute, Inc. (NEI)[1] provides supplemental comments on the NRC's "Proposed Procedures for Conducting Hearings on Whether Acceptance Criteria in Combined Licenses Are Met." NEI appreciates the opportunity to participate in the meeting and to provide these clarifying comments. Along with NEI, representatives of Southern Nuclear Operating Company, Inc. (SNC), South Carolina Electric & Gas Co. (SCE&G), Florida Power & Light Co. (FPL), and Westinghouse Electric Co. (Westinghouse) also participated and provided additional details relating to the industry's position on ITAAC hearing procedures.

NEI coordinated closely with SNC, SCE&G, FPL, and Westinghouse representatives in preparing these supplemental comments. These member companies have authorized NEI to state that they concur in, and support, these supplemental responses to the NRC's questions. As the NRC is aware, these supplemental comments are limited in scope and are intended to augment, not supersede, any individual comments submitted by those companies.

The NRC meeting agenda contained seven issues for discussion stemming from comments submitted in response to the NRC's April 18, 2014, *Federal Register* proposal for procedures to govern so-called "ITAAC hearings" under 10 C.F.R. § 52.103. During the meeting, the NRC Staff focused primarily on three issues: interim operation, claims of incompleteness, and implications of early publication of the

[1] 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 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.

NRC Notice of Intended Operation (NIO). Resolution of each of these topics is essential to the fairness, effectiveness, and efficiency of the agency's ITAAC hearing procedures. NEI's supplemental comments below briefly restate our position on those issues, and respond to NRC Staff questions where additional clarification would be beneficial.

The italicized text below is taken directly from the meeting agenda and reflects the Staff's framing of the various topics of discussion.

Interim Operation
According to the proposed procedures, if an ITAAC hearing request has been granted, interim operation is allowed only if (1) the NRC staff makes the 52.103(g) finding that all acceptance criteria are met, and (2) the Commission determines that there is reasonable assurance of adequate protection during interim operation. Based on the relevant legislative history, the proposed procedures further provide that the Commission's adequate protection determination is not to be based on a conclusion that the petitioner's prima facie showing is incorrect. In addition, the proposed procedures state that the Commission's adequate protection determination will be timely so long as it is made before scheduled fuel load.

Issue 1: The Nuclear Energy Institute (NEI) and South Carolina Electric & Gas (SCE&G) assert that for the purposes of allowing interim operation, the 52.103(g) finding need only be made on the uncontested ITAAC.

The subject of interim operation is discussed at pp. 16-18 of NEI's comments. *See also* pp. 22-27 of SCE&G's comments and pp. 2-3, 9-11 of SNC's comments.[2]

NEI's position is that interim operation should only require a 10 C.F.R. § 52.103(c) finding by the Commission on contested ITAAC and a 10 C.F.R. § 52.103(g) finding by the NRC Staff on uncontested ITAAC.[3] The NRC Staff's proposal that the Staff make the Section 52.103(g) finding on all ITAAC is unnecessarily limiting and contrary to the intent of the statute and regulations.

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[2] Letter from E. Ginsberg, NEI, to C. Bladey, NRC, "Comments on 'Proposed Procedures for Conducting Hearings on Whether Acceptance Criteria in Combined Licenses Are Met' (79 Fed. Reg. 21,958, dated April 18, 2014; Docket ID NRC-2014-0077," July 2, 2014, Attachment ("NEI Comments"); Letter from A. Rice, SCE&G, to C. Bladey, NRC, "Docket ID NRC-2014-0077, Comments on the Proposed Procedures for Conducting Hearings on Whether Acceptance Criteria in Combined Licenses Are Met, 79 Fed. Reg. 21,958," July 2, 2014, Encl. ("SCE&G Comments"); Letter from B. Whitley, SNC, to C. Bladey, NRC, "Southern Nuclear Operating Company, Inc.'s Comments on the Proposed Procedures for Conducting Hearings on Whether Acceptance Criteria in Combined Licenses are Met (Docket ID No. NRC-2014-0077)," July 2, 2014, Attachment ("SNC Comments").

[3] As discussed at the September 22, 2014, meeting and in SCE&G's July 2, 2014, comments, SCE&G prefers a different approach in which the NRC Staff would determine that all uncontested ITAAC are met prior to interim operation (not a full Section 52.103(g) finding), and subsequently would make the Section 52.103(g) finding on all ITAAC after the contested hearing and prior to unrestricted operation. *See* SCE&G Comments at 25-27. NEI has no objection to SCE&G's approach. SCE&G has stated, however, that if the Staff does not agree to this approach, then the Staff should explain that the Section 52.103(g) finding to support interim operation only applies to uncontested ITAAC, and any findings needed to support interim operation on contested ITAAC would be addressed by the Commission's Section 52.103(c) finding. *Id.* at 27. SCE&G's alternative approach is similar to NEI's approach.

At the meeting, the NRC Staff explored whether any specific legislative history supports NEI's position that a distinction can be made between interim operation and full, unrestricted operation with respect to the need to make the 10 C.F.R. § 52.103(g) finding. On a related point, the Staff also questioned whether NEI's position on interim operation is consistent with Section 185b. of the Atomic Energy Act of 1954 (AEA).

NEI knows of no legislative history specifically addressing the interactions between a Section 52.103(c) finding related to interim operation and a Section 52.103(g) finding on whether ITAAC have been met. However, the interim operation question must be addressed in light of the entire statute. While AEA Section 185b. states that the NRC "shall find that the prescribed acceptance criteria are met" prior to the operation of the facility, that statement must be read in conjunction with AEA Section 189a.(1)(B)(iii). The latter states that if the Commission has "reasonable assurance of adequate protection of the public health and safety…it shall allow operation during an interim period…." Reading the two provisions together, it is possible – and advisable – to authorize interim operation once the Commission has made the adequate protection determination under Section 52.103(c) regarding contested ITAAC, and the NRC Staff has made the Section 52.103(g) finding on uncontested ITAAC.

Unless the two provisions are read together, reading AEA Section 185b. to require that the Staff's Section 52.103(g) finding be made for all ITAAC could effectively nullify the statutory requirement to permit interim operation under Section 189a. For example, if a petitioner proffers a contention challenging an ITAAC and the Commission admits that contention, the NRC Staff may be reluctant to make the Section 52.103(g) finding on that ITAAC while the matter is pending before the Commission.[4] Or, if the NRC Staff does not believe that an ITAAC has been met and therefore withholds the Section 52.103(g) finding, and that position is contested by the licensee, the Staff's position on that contested ITAAC would effectively override the Commission's ability to authorize interim operation, even if the Commission itself has considered the same ITAAC and otherwise found that there is reasonable assurance of adequate protection during the interim operation period. These examples demonstrate that the most logical and practical reading of the AEA is to allow interim operation based on the Commission's Section 52.103(c) determination on contested ITAAC and the Staff's Section 52.103(g) finding on uncontested ITAAC.[5] Notably, the NRC Staff would be required to make a final Section 52.103(g) finding on all of the contested and uncontested ITAAC prior to unrestricted operation.

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[4] This situation is different from other licensing actions because here, interim operation is governed by a specific statutory standard.

[5] To the extent that the final ITAAC hearing procedures retain the requirement that the Staff make the Section 52.103(g) finding on all ITAAC prior to authorization for interim operation, the final procedures should adopt the process outlined in SNC's comments for a stand-alone Section 52.103(c) finding separate from the Staff's Section 52.103(g) finding such that the ongoing hearing process does not impact the Staff's Section 52.103(g) finding on a contested ITAAC. *See* SNC Comments at 9-11.

Issue 2: NEI, SCE&G, and Westinghouse assert that the Commission's adequate protection determination for interim operation can be based on a pre-hearing conclusion that the petitioner's prima facie showing is incorrect.[6]

This topic is discussed at p. 18 of NEI's comments. *See also* pp. 24-25 of SCE&G's comments and pp. 1-6 of Westinghouse's comments.[7]

The NRC Staff raised a question about the Commission's ability to preliminarily weigh the evidence presented on a contested ITAAC in order to make an adequate protection determination for interim operation. NEI believes that the adequate protection determination can be based on various factors, including a weighing of evidence regarding adequate protection or a preliminary assessment for a particular ITAAC that the contention lacks merit (notwithstanding a *prima facie* showing).[8]

During the September 22 meeting, the NRC Staff pointed to the "no significant hazards consideration" analogy contained in comments submitted by Westinghouse, and correctly stated that a no significant hazards consideration cannot be based on the merits of the underlying issue. However, as stated during the meeting, although NEI believes that the no significant hazards consideration issue is similar in one respect (it relates to whether an amendment can be issued in advance of a hearing), the exact standard used for making a no significant hazards consideration determination is not instructive. The resolution of a no significant hazards consideration question turns on a specific statutory standard (as further defined in NRC regulations) unique to the issuance of amendments to operating licenses.[9] In contrast, interim operation is a different issue and is governed by the separate, unique statutory standard in AEA § 189a.(1)(B)(iii). Under the latter statutory provision, the Commission shall authorize interim operation if it finds reasonable assurance of adequate protection for the interim period. Neither the statute nor its implementing regulation at 10 C.F.R. § 52.103(c) (described below) limits what information the Commission can rely on to make this "adequate protection" determination.

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[6] NEI, SCE&G, and Westinghouse asserted in their comments that the Commission's adequate protection determination for interim operation could be based on a pre-hearing conclusion that the petitioner's contention – as opposed to the *prima facie* showing – is incorrect.

[7] Letter from T. Geer, Westinghouse Electric Co., to C. Bladey, NRC, "Westinghouse Electric Company's Comments on Proposed Procedures for Conducting Hearings on Whether Acceptance Criteria in Combined Licenses are Met (Docket ID No. NRC-2014-0077)," July 1, 2014, Attachment ("Westinghouse Comments").

[8] NEI Comments at 18. The *prima facie* showing does not involve an assessment of evidence that refutes a contention. An interim operation decision could include an assessment of such evidence. Furthermore, without regard to the merits of the contention on whether the ITAAC has been met, the interim operation finding may be based upon a weighing of the evidence on adequate protection during the interim period.

[9] At the meeting, the Staff alluded to *San Luis Obispo Mothers for Peace v. NRC*, 799 F.2d 1268 (9th Cir. 1986), to support its position that a no significant hazards consideration cannot be based on the merits of the issue. NEI does not dispute that proposition. However, as explained above, a no significant hazards consideration is subject to a completely different statutory standard than interim operation.

Furthermore, contrary to the Staff's suggestion, it is not dispositive that Congress contemplated – but did not adopt – language in the statute requiring consideration of the underlying merits when determining interim operation. This legislative history could simply indicate that Congress wanted to afford the Commission maximum flexibility in making the adequate protection determination for interim operation, instead of imposing specific requirements on the mechanics of making that determination. [10] Such an interpretation is entirely consistent with NEI's position that the Commission may weigh all of the evidence on adequate protection and may make a preliminary merits determination based on all of the evidence before it when considering interim operation similar to the "likelihood of success on the merits" standard required for a judicial stay.

Finally, NEI's position is consistent with the literal language of the regulations. 10 C.F.R. § 52.103(c) states in relevant part (emphasis added):

> If the Commission grants the request, the Commission, acting as the presiding officer, shall determine whether during a period of interim operation there will be reasonable assurance of adequate protection to the public health and safety. The Commission's determination must consider the petitioner's prima facie showing *and any answers thereto*. If the Commission determines there is such reasonable assurance, it shall allow operation during an interim period under the combined license.

The statutory language clearly indicates that interim operation shall be allowed if the Commission finds "reasonable assurance." Although the Commission must "consider" the petitioner's *prima facie* showing, Section 52.103(c) does not require that the Commission base its reasonable assurance finding solely on the petitioner's *prima facie* showing. The Commission is well experienced in making determinations of reasonable assurance of adequate protection. The ITAAC hearing procedures should not attempt to limit the Commission's ability to make this determination.

Issue 3: NEI, SCE&G, and Southern Nuclear Operating Company (SNC) urge the Commission to make the adequate protection determination as soon as possible so that licensees can better schedule their preparations for fuel loading.

This topic is discussed at pp. 16-17 of NEI's comments. *See also* pp. 22-23 of SCE&G's comments and p. 10 of SNC's comments.

NEI encourages the Commission to authorize interim operation as soon as it makes the necessary findings, in order to allow the licensee to mobilize its workforce and make other logistical arrangements necessary for fuel load. As SNC stated in its written comments, many preparatory actions and

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[10] The NRC Staff suggested at the September 22 meeting that *Mothers for Peace* is also instructive on the weight afforded to legislative history when analyzing Congressional intent. That case relied on language in a Conference Committee Report expressly stating how the statute should (and should not) be implemented. 799 F.2d at 1270. In contrast, the legislative history cited by the Staff regarding the AEA interim operation provision was not an express statement of Congressional intent, but rather, statutory language that was ultimately not adopted.

considerable coordination are needed to actually begin to load fuel on the scheduled date.[11] Providing as much time as possible for planning and preparation is consistent with sound safety principles.

The NRC Staff expressed concerns at the meeting regarding the perceived level of effort required for the Commission to make the interim operation finding as soon as possible, suggesting that it may not be a necessary effort if the hearing process is concluded before the scheduled fuel load date. We are troubled by that suggestion. As NEI stated at the meeting, the industry encourages the Commission to authorize interim operation as soon as the necessary findings have been made. As pointed out in NEI's original comments, the Staff's proposed hearing schedule leaves absolutely no margin for delay – not even a single day – without jeopardizing scheduled fuel load.[12] There is no valid legal or policy reason to simply assume that the process will be completed prior to the fuel load date. Although we have full confidence that the Commission will make every effort to complete the ITAAC hearing before scheduled fuel load, the timeframes are extremely tight and, being first-of-a-kind hearings, unforeseen circumstances with the potential for delay are likely to arise.

On a related point, the NRC Staff sought views on whether the contention admissibility and interim operation decisions should be coupled, even if doing so resulted in delaying the contention admissibility decision. As NEI stated at the meeting, we encourage the Commission to issue decisions on contention admissibility and interim operation at the same time in order to support a prompt interim authorization determination.[13] However, the two decisions are not necessarily coupled. Should the Commission be prepared to make the contention admissibility decision before the interim operation determination, there is no reason to delay the contention admissibility decision. In that case, NEI would again encourage the Commission to make the interim operation determination as quickly as possible following the contention admissibility decision.

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[11] SNC Comments at 10.

[12] While NEI's comments support much of what the NRC has proposed for ITAAC hearings, NEI has also urged the NRC to clarify and revise some aspects of its proposal in order to facilitate more expeditious, efficient, and predictable ITAAC hearings. We believe the final procedures "should further streamline the hearing format and deadlines applicable to proposed hearing tracks 1 and 2, which are based on modified 10 CFR Part 2 Subpart L procedures. As proposed, the hearing would apparently extend beyond the scheduled fuel load date if there were delays for any reason, which is inconsistent with the NRC's statutory mandate. (*See* the Attachment to the comments.)" NEI Comments at 2.

[13] NEI Comments at 16-17.

Claims of Incompleteness
A claim of incompleteness is a claim that the licensee has not provided the information required by 10 CFR 52.99(c) and that this prevents the petitioner from making the required prima facie showing for ITAAC hearing requests. SNC suggests requiring petitioners to consult with the licensee before filing the claim because the licensee may voluntarily provide the requested information. SNC recommends that consultation be initiated 21 days after the notice of intended operation is published. On a related topic, Westinghouse suggests that the procedures include a process for access to SUNSI or SGI in the context of claims of incompleteness.

Issue 4: Is the consultation requirement a good proposal?

This aspect of the subject of claims of incompleteness is discussed at pp. 7-8 of SNC's comments.

As stated during the meeting, NEI supports SNC's proposal to require petitioners to consult with the licensee before filing a claim of incompleteness. This may facilitate early and prompt resolution of issues outside of the hearing process, particularly given the limited focus of a claim of incompleteness.[14] This consultation requirement is similar to the consultation requirement for motions in 10 C.F.R. § 2.323(b).

Issue 5: Should consultation also be required for claims of incompleteness after the original deadline, and if so, when should consultation be initiated?

If claims of incompleteness are permitted to be filed after the original deadline, NEI believes that consultation should also be required. This would force the parties to at least attempt to resolve the issue without litigation. NEI agrees with SNC that for these claims of incompleteness, the petitioner should be required to consult with the licensee within 2 business days of the availability of the information leading to the claim of incompleteness (*e.g.*, the ITAAC closure notification (ICN)). The consultation process should not toll the time for filing a claim of incompleteness.

Issue 6: If the petitioner seeks access to SUNSI [Sensitive Unclassified Non-Safeguards Information] or [Safeguards Information] SGI, should any additional procedures apply to the consultation process? What is needed to grant a claim of incompleteness seeking access to SUNSI or SGI?

This topic is discussed at pp. 30-31 of NEI's comments. *See also* pp. 11-12 of SNC's comments and pp. 8-9 of Westinghouse's comments.

As Westinghouse appropriately points out, petitioners should not be able to argue that an ICN is incomplete merely because it may rely in part upon SUNSI or SGI.[15] If a petitioner believes that it

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[14] SCE&G also explained at the meeting that it had proposed on pages 20-21 of its comments a process for early resolution of claims of incompleteness, and that a consultation requirement would fit into that proposed process.

[15] Westinghouse Comments at 8.

needs SUNSI in order to evaluate a potential claim of incompleteness, the consultation requirement proposed by SNC should encompass requests for SUNSI. NEI also supports development of a standard template for protective orders that could be issued promptly should SUNSI be disclosed through the consultation process.

NEI also agrees with Westinghouse that petitioners must avail themselves of the opportunity to obtain pre-clearance for access to SGI; petitioners should not wait until they are evaluating claims of incompleteness to begin the SGI clearance process.[16]

Lastly, NEI supports SNC's comment at the September 22 meeting that there is no reason why the Staff would not be involved in the consultation process. This is particularly true for claims involving SGI, when a determination of a need-to-know may be required.

Early Publication of the Notice of Intended Operation
In the proposed procedures, the NRC staff sought comment on (1) whether to publish the notice of intended operation earlier than 210 days before scheduled fuel load, and (2) if so, how early should the notice of intended operation be published. NEI, SNC, and SCE&G commented on this issue and favored early publication by up to several months. One issue associated with early publication of the notice of intended operation is a corresponding increase in the number of uncompleted ITAAC when the notice of intended operation is published. The 10 CFR 52.99(c)(3) uncompleted ITAAC notifications provide information regarding the licensee's plans for completing the ITAAC, including the specific procedures and analytical methods to be used, which will provide information to petitioners on which they may seek to file contentions. However, there is an increased burden to petitioners arising from the fact that there would be a greater number of later ITAAC closure notifications to examine to determine if there is any new information that is materially different from previously available information and might give rise to a new or amended contention.

Issue 7: The NRC staff is interested in exploring methods by which such an increase in burden could be reduced. For example, the later ITAAC closure notification (1) could include a specific citation to the corresponding uncompleted ITAAC notification, (2) could physically include the corresponding uncompleted ITAAC notification as an attachment, or (3) could include a redline-strikeout version as an attachment that shows changes between the earlier uncompleted ITAAC notification and the later completed ITAAC notification. Other solutions might be possible, and attendees may suggest these at the public meeting.

This topic is discussed at p. 13 of NEI's comments. *See also* p. 6-7 of SCE&G's comments and pp. 12-13 of SNC's comments.

NEI believes that the ITAAC hearing procedures should not impose an undue burden on any party – be it the licensee, NRC, or the public. However, it is not clear that the perceived burden described in Issue

[16] *Id.* at 9.

7 is a significant issue warranting additional action such as some of the proposed mitigation methods outlined by the Staff. Any additional burden from early publication of the NIO would not come from all ICNs, but only those ICNs that are submitted between the "normal" and early publication timeframes for the Uncompleted ITAAC Notification (UIN). Additionally, early publication of the UIN would provide petitioners with an earlier explanation of how ITAAC will be completed and allow more time to complete the ITAAC hearing prior to fuel load. The Staff's proposal prematurely proposes solutions for a problem that may not arise.

At this time we do not anticipate a large number of ITAAC for which the UIN would differ significantly from the subsequent ICN. Since this situation may not arise for many ITAAC, the potential for burden on petitioners may be minimal and would not warrant the additional burden on licensees that would result from some of the proposed options. Imposing further measures at this time to address this perceived problem is unnecessary.[17]

NEI does not object to less burdensome solutions, such as proposed option 1 to include a specific citation to the corresponding uncompleted ITAAC notification. Option 1 is consistent with existing regulatory guidance being used by licensees. However, proposed options 2 and 3 would provide little benefit while imposing new burdens on licensees.

Regarding proposed option 2, we question whether additional information from the licensee would meaningfully reduce the burden, if any, to petitioners. Comparison of ICN and UIN information is already facilitated by compliance with NRC Regulatory Guide 1.215, which endorses industry guidance (in NEI-08-01) providing for consistent ITAAC numbering in all required notifications. Because both the UIN and ICN will include the applicable ITAAC number, petitioners can easily locate and cross-reference the documents. With the straightforward cross-references between ICNs and UINs already available, proposed option 2, requiring the licensee to attach a copy of the UIN to the ICN, adds an unnecessary administrative burden for the licensee without any real benefit to petitioners. To the extent that the NRC Staff is concerned about the ability to cross-reference the documents, it could also enhance the plant-specific ICN Review Status reports available on the agency's webpage. Thus, NRC could take additional steps it deems appropriate to facilitate comparisons between the UIN and ICN using ITAAC numbers as search criteria.

Regarding proposed option 3, the burden imposed on licensees to create redline versions, which often will show little more than editorial and date-related changes, is disproportionate to any benefit provided. This additional document is not required by 10 C.F.R. § 52.99, is not used by Staff in its ICN review, and falls outside any regulatory requirements related to a request for hearing or a pending hearing.

Lastly, NEI suggests that the Staff's concerns could be addressed through the applicable regulatory guidance rather than through the ITAAC hearing procedures. NEI-08-01 provides guidance on ITAAC

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[17] To be clear, the issue raised by the Staff concerns the licensee's method for performing the ITAAC, not a change to the ITAAC itself. A change to the ITAAC would require a license amendment under 10 C.F.R. § 50.90, subject to NRC review and approval and including the opportunity for a member of the public to request a hearing. Thus, petitioners should be well aware of a significant change between the UIN and ICN that results in a change to an ITAAC.

numbering and on the content of UINs and ICNs and has been endorsed by the NRC in Regulatory Guide 1.215.[18] This guidance document has been developed over several years, with numerous opportunities for stakeholder input. Imposing additional requirements through the ITAAC hearing procedures could impact (and may have unintended consequences on) the agreed-upon guidance in NEI-08-01.

Thank you for your consideration of these supplemental comments. If you have any questions or require additional information, please contact me (202-739-8140; ecg@nei.org) or Anne Cottingham (202-739-8139; awc@nei.org).

Sincerely,

Ellen C. Ginsberg

Ellen C. Ginsberg

cc: Chairman Allison M. Macfarlane
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Mr. Mark Satorius, Executive Director for Operations
Mr. Glenn Tracy, Director, NRO

[18] RG 1.215, Revision 1, currently endorses Revision 4 of NEI 08-01. A second revision of RG 1.215 is pending to endorse NEI 08-01, Revision 5.

CHAIRMAN Resource

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Sent: Wednesday, October 15, 2014 6:18 PM
To: Spencer, Michael; Martin, Jody
Cc: Doane, Margaret; Poole, Brooke; Moulding, Patrick; CHAIRMAN Resource; Svinicki, Kristine; CMROSTENDORFF Resource; Tracy, Glenn; Satorius, Mark; jeffry.baran@nrc.gov
Subject: NEI Supplemental Comments-- Proposed ITAAC Hearing Procedure Issues
Attachments: NEI Supp Comments ITAAC Hearing Issues 10 15 14.pdf

Dear Mr. Spencer:

Attached are the supplemental comments of the Nuclear Energy Institute, Inc. (NEI) on the NRC's "Proposed Procedures for Conducting Hearings on Whether Acceptance Criteria in Combined Licenses Are Met." With the consent of the NRC staff, NEI submits these comments as a follow-up to the discussion at the September 22, 2014 NRC public meeting concerning various aspects of the agency's proposed ITAAC hearing procedures.

The italicized portions of the letter reflect the NRC staff's framing of the seven issues included on the September 22 meeting agenda.

Please feel free to contact NEI General Counsel Ellen Ginsberg (ecg@nei.org) or me (awc@nei.org) if there are any questions regarding this letter.

If possible, NEI would appreciate the NRC acknowledging receipt of this submittal. We will also submit a copy via U.S. mail.

Thank you for your attention to this matter.

Anne W. Cottingham

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