

January 22, 2016

Mr. James H. Riley
Senior Technical Advisor
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

Dear Mr. Riley:

The U.S. Nuclear Regulatory Commission (NRC) staff has considered your request to endorse the Nuclear Energy Institute (NEI) guidance document NEI 12-06, Revision 2, "Diverse and Flexible Coping Strategies (FLEX) Implementation Guide" (Agencywide Documents Access and Management Systems (ADAMS) Accession No. ML16005A625), dated December 2015. The purpose of this letter is to inform you that the NRC staff has issued Japan Lessons-Learned Division (JLD) interim staff guidance (ISG), JLD-ISG-2012-01, Revision 1, "Compliance with Order EA-12-049, Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events" (ADAMS Package Accession No. ML15357A142), and made this document publicly available. Guidance document JLD-ISG-2012-01, Revision 1, endorses, with exceptions, clarifications, and additions, NEI 12-06, Revision 2. However, because the NRC staff has found that JLD-ISG-2012-01, Revision 1, meets the criteria to be considered a "rule" under the Congressional Review Act (5 U.S.C. 801-808), it cannot take effect until all applicable Congressional Review Act requirements have been met. Once the effective date for the ISG is determined, the NRC staff will publish a notice of availability in the *Federal Register* and the effective date for JLD-ISG-2012-01, Revision 1. Until such effective date, this ISG revision is not intended to be referenced by licensees in submittals to the NRC. The NRC staff expects the effective date for this ISG revision to be not more than 90 days after the date of this letter.

J. Riley

- 2 -

If you have any questions regarding this letter, please contact Stephen Philpott, of my staff, at (301) 415-2365, or via email to Stephen.Philpott@nrc.gov.

Sincerely,

/RA/

Michael X. Franovich, Deputy Director
Japan Lessons-Learned Division
Office of Nuclear Reactor Regulation

Cc: Mr. Joseph E. Pollock, Vice President
Nuclear Operations
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

Mr. Michael Tschiltz
Director, Risk Assessment
Nuclear Energy institute
1201 F Street NW, Suite 1100
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Washington, D.C. 20004

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