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July 12, 2017

Mr. Victor McCree  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Industry Concern with the Wording of the Drill and Exercises Requirements in the Draft Mitigation of Beyond Design Basis Events Rulemaking Package

**Project Number: 689**

As expressed in our February 9, 2016, comment letter on the draft Mitigation of Beyond-Design-Basis Events (MBDBE) Rulemaking Package, NEI and the industry support issuance of the proposed rule, and the comments we submitted at that time have been satisfactorily resolved. Recently, we identified an ambiguity in the wording of the drill and exercise requirements contained in 10 CFR 50.155(e), which could lead to misinterpretations of that paragraph in the future.

Specifically, 10 CFR 50.155(e), *Drills or exercises*, describes the number of drills or exercises that must be completed within the initial 4-year period after the rule is effective and in subsequent 8-year intervals. The relevant language appears in slightly different forms in paragraphs (e)(1), (e)(2), (e)(3), and (e)(4). Based on numerous interactions with the NRC staff, our understanding is that the language in paragraph (e) should be interpreted as requiring licensees to perform one drill or exercise of the strategies in either (b)(1), or (b)(2), or (b)(3) during the initial 4-year period. However, as currently written, the language could also be interpreted to require licensees to perform one drill or exercise of each of the strategies in (b)(1) or (b)(2), and (b)(3) during the initial 4-year period.

This issue was initially discussed during a November 16, 2016, meeting with the Advisory Committee on Reactor Safeguards (ACRS) and NEI subsequently submitted, for the public record, a summary of our concern and our suggested resolution. Based on discussions since that time, we believe that the NRC staff's current interpretation of the provisions of section 50.155(e) is consistent with the "either" version provided above. That said, section 50.155(e) was not sufficiently clarified in the draft final rule provided to the Commission, and the issue recently resurfaced during industry discussions on rule implementation.

Consistent with NRC's principles of good regulation, and in the interest of clarity and reliability, we suggest that editorial changes be made to clarify the intent of 10 CFR 50.155(e) prior to finalizing the rule. To that end, we have attached a marked-up version of 10 CFR 50.155(e) showing proposed editorial changes that will

Mr. Victor McCree

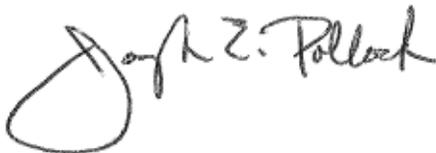
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clarify the requirement and address our concern. Given our previous interactions with the staff, we believe the proposed changes do not alter the intent of the final rule, but, rather, are a technical correction/clarification.

If you have questions or require additional information, please contact me at 202-739-8114; jep@nei.org.

Sincerely,

A handwritten signature in black ink that reads "Joseph E. Pollock". The signature is written in a cursive style with a large, looped initial "J".

Joseph E. Pollock

c: Kristine L. Svinicki, Chairman  
Stephen G. Burns, Commissioner  
Jeff Baran, Commissioner  
Michael R. Johnson, Deputy Executive Director for Reactor and Preparedness Programs  
Brian Holian, Acting Director, Office of Nuclear Reactor Regulation  
Jane Marshall, Acting Director, Japan Lessons-Learned Division