

September 30, 2013

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

Dear Mr. Pollock:

The U.S. Nuclear Regulatory Commission (NRC) staff has considered your request to endorse the Nuclear Energy Institute (NEI) position paper dated September 18, 2013, entitled "Position Paper: Shutdown/ Refueling Modes" (Agencywide Documents Access and Management Systems (ADAMS) Accession No. ML13273A514).

The purpose of the position paper is to further develop and clarify the guidance provided in NEI 12-06 (ADAMS Accession No. ML12221A205) related to industry's ability to meet the intent of Order EA-12-049, "Order Modifying Licenses With Regard To Requirements for Mitigation Strategies for beyond Design Basis External Events," during shutdown and refueling modes of operation (ADAMS Accession No. ML12054A735). The NRC staff has interacted with your staff and external stakeholders during the development of this position paper.

The NRC staff agrees that the position paper provides an acceptable approach for demonstrating that the licensees are capable of implementing mitigating strategies in all modes of operation, including shutdown and refueling modes. The NRC staff will evaluate a licensee's application of the guidance in its development of the final safety evaluation documenting compliance with NRC Order EA-12-049.

Individual licensees should inform the NRC of their plans to abide by this generic resolution and their plans to address potential plant specific issues associated with implementing this resolution that are identified during the audit process. Licensees are strongly encouraged to follow the guidance in the NEI position paper, "Position Paper: Shutdown/ Refueling Modes," in order to improve efficiency of the NRC's review and to avoid further requests for information.

If a licensee deviates from the guidance, the licensee should justify the deviations and provide information that demonstrates that mitigating strategies can be performed in all modes of operations, including shutdown and refueling modes.

Sincerely,

/RA/

Jack R. Davis, Director
Mitigating Strategies Directorate
Office of Nuclear Reactor Regulation

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