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FINAL REPLY:

Ralph E. Beedle
Nuclear Energy Institute (NEI)

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 01-0455

Chairman

DESC:

ROUTING:

Comments on SECY-01-0133, "Status Report on Study
of Risk-Informed Changes to the Technical
Requirements of 10 CFR Part 50 and Recommendations
on Risk-Informed Changes to 10 CFR 50.46

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DATE: 09/17/01

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SPECIAL INSTRUCTIONS OR REMARKS:

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EDO --G20010387



NUCLEAR ENERGY INSTITUTE

Ralph E. Beedle

SENIOR VICE PRESIDENT AND
CHIEF NUCLEAR OFFICER,
NUCLEAR GENERATION

September 10, 2001

The Honorable Richard A. Meserve
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Meserve:

We appreciate the commission's public release of SECY 01-0133, *Status Report on Study of Risk-Informed Changes to the Technical Requirements of 10 CFR Part 50 (Option 3) and Recommendations on Risk-Informed Changes to 10 CFR 50.46 (ECCS Acceptance Criteria)*. This action is indicative of the commission's interest in and commitment to the inclusion of all stakeholder perspectives in the regulatory process.

10 CFR 50.46 is a central element in the regulatory framework with direct and indirect links to numerous NRC requirements, guidance documents and licensee commitments. Risk-informing this regulation is critical to the continued success of risk-informed regulatory initiatives. While progress in this area will not be achieved overnight, it is imperative that timely and efficient changes are made that focus limited NRC and licensee resources on the more probable, higher risk events. The industry remains committed to this endeavor.

The SECY document discusses numerous proposals and future technical work that are bundled into primary recommendations. We are concerned that this approach will unnecessarily delay implementation of relatively straightforward changes. A prime example is the recommendation to revise the requirements of ECCS evaluation models. A direct final rule could be issued to adopt the 1994 ANS decay heat standard, apart from the other elements and additional technical work that are recommended in the SECY. To this end, on September 6, 2001, NEI filed a petition for rulemaking to amend 10 CFR 50, Appendix K.

Another example is redefining the large-break loss of coolant accident (LBLOCA). The SECY indicates that an additional two to three years of feasibility studies are necessary to determine if rule changes are warranted, which may be followed by another lengthy period to promulgate any amendments. A more efficient and flexible approach would be to amend 10 CFR 50.46 to permit the NRC to approve methodologies for determining appropriate break sizes. In parallel, the feasibility studies and technical work could be conducted to develop appropriate methodologies. This enabling amendment would reaffirm the commission's



The Honorable Richard A. Meserve

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direction and commitment to risk-informed principles. There is regulatory precedence for this enabling approach in 10 CFR 50.55(a), where alternate methodologies were permitted to risk-inform inservice inspection and testing requirements.

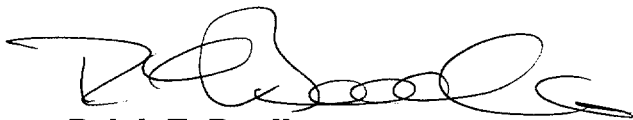
Regarding the SECY recommendation on ECCS reliability (coincident loss of offsite power, LBLOCA, single failure), we agree that a more realistic, risk-informed approach is viable. The industry will work with the NRC staff to ensure that the latest information, both in terms of loss of offsite power and pipe break size probabilities, is incorporated into the bases for this rulemaking.

We also offer two general comments. First, we do not agree with the need for and technical basis of the framework for Option 3 cited in the SECY. Criteria for assessing changes should be modeled on the proven concepts and methodologies established in Regulatory Guide 1.174, *An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis*. Second, the SECY is not clear on whether changes to the current 10 CFR 50.46 are optional.

Finally, the timeliness and efficacy of the rulemaking process were discussed at the July 20 commission briefing on Option 2. Many of the points raised in that discussion clearly pertain to the recommendations in SECY 01-0133. Our philosophy is that well-founded, straightforward improvements to regulations should proceed expeditiously and be unbundled from other potential changes requiring additional study. It is neither safety-focused nor efficient to delay such improvements.

If you or your staff have questions on these comments, please contact me or Tony Pietrangelo (202-739-8081, arp@nei.org).

Sincerely,



Ralph E. Beedle

c: The Honorable Greta Joy Dicus, Commissioner, NRC
The Honorable Edward McGaffigan Jr., Commissioner, NRC
The Honorable Jeffrey S. Merrifield, Commissioner, NRC
Dr. William D. Travers, Executive Director for Operations, NRC