

1971

General Information**Assigned Office:** OEDO**OEDO Due Date:** 02/27/2013**Other Assignees:****SECY Due Date:** 03/01/2013**Date Response****Requested by Originator:****Other Parties:****Subject:** Recent Proposal to Require Installation of External Containment Filters on Boiling Water Reactors (BWRs) Meeting Specified Standards Prior to Imposing New Requirements**Description:****CC Routing:** ACRS, NRR, OCA, OGC**ADAMS Accession Numbers - Incoming:****Response / Package:****Other Information****Cross Reference No:** LTR-13-0120**SRM\Other:** No**Process Information****Action Type:** Letter**OEDO Concurrence:** No**Signature Level:** Chairman Macfarlane**OCM Concurrence:** No**Special Instructions:****OCA Concurrence:** No

Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NRR to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

Document Information**Originator Name:** Representative John Barrow, et al.,**Date of Incoming:** 02/07/2013**Originator Org:** Congress**Document Received by OEDO Date:** 02/08/2013**Addressee:** Chairman Macfarlane**Incoming Task:** Letter**OEDO POC:** Roger Rihm

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OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Feb 08, 2013 09:59

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LOGGING DATE: 02/07/2013

ACTION OFFICE: EDO

AUTHOR: REP John Barrow, et al.

AFFILIATION: CONG

ADDRESSEE: CHRM Allison Macfarlane

SUBJECT: Concerns a recent proposal to require installation of external containment filters on boiling water reactors meeting specified standards prior to imposing new requirements

ACTION: Signature of Chairman

DISTRIBUTION: RF, OCA to Ack.

LETTER DATE: 02/07/2013

ACKNOWLEDGED No

SPECIAL HANDLING: Commission Correspondence

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 03/01/2013

DATE SIGNED:

EDO --G20130105

Congress of the United States
Washington, DC 20515

February 7, 2013

The Honorable Allison M. Macfarlane
Chairman
United States Nuclear Regulatory Commission
Mail Stop 016-G4
Washington DC 20555-0001

Dear Chairman Macfarlane:

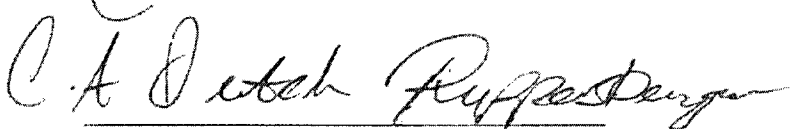
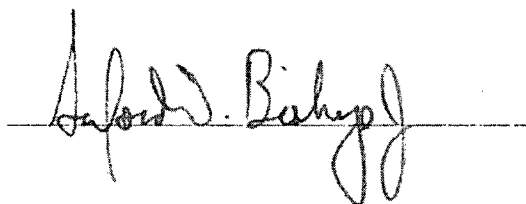

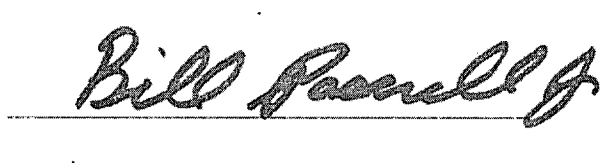
Nuclear Regulatory Commission (NRC) regulations require that a cost-benefit analysis be performed and meet specified standards prior to imposing new requirements - a process that is designed to ensure that the regulation of our civilian reactor fleet is grounded in successful and realistic performance. We want to make sure that a recent proposal to require installation of external containment filters on boiling water reactors meets those standards.

It's our understanding that Commission staff has concluded that such a mandate is not necessary to meet the "adequate protection" standard and is not justified on a cost-benefit basis. In addition, the Commission's independent Advisory Committee on Reactor Safeguards (ACRS), after reviewing an analysis prepared by the staff and others on this issue, concluded that a more flexible, performance-based approach would work better to reduce the potential for radioactive material releases than a "one size fits all" requirement.

The NRC's *Principles of Good Regulation* states, "... regulatory activities should be consistent with the degree of risk reduction they achieve. Where several effective alternatives are available, the option which minimizes the use of resources should be adopted." Based on that guidance and consistent with the ACRS conclusions, it appears that plant-specific strategies, based on risk assessments, scientific data, and a site's unique characteristics, might be more effective at preventing land contamination in a severe accident. Absent a finding that mandatory filter installation is necessary to ensure adequate protection of the public, we believe the Commission should work with the industry to achieve the regulatory goal in the safest, most effective, and least costly manner.

Thank you again for your service. We look forward to your response.

Sincerely,



John Russell

Gene Hu

Ed Phator

Dannett K. Davis

Shirley Jackson

Daniel Lippinski

Stenger

Erni Swell

Bill Owens

Don Maggi

James E. Ayler

H. F. Se

Mike Doyle

W. A. Brady

Joseph Hawley

Bill Foster

Berni H. Thompson

Mike Matheson

Bobby L. Cook

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