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NUCLEAR ENERGY INSTITUTE

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March 28, 2000

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

DOCKET NUMBER
PETITION RULE PRM 50-68
(65FR1829)

ATTENTION: Rulemakings and Adjudications Staff

SUBJECT: Response to Request for Public Comments on Petition for Rulemaking Filed by Mr. Bob Christie (65 Fed. Reg. 1829, January 12, 2000)

PROJECT NUMBER: 689

The Nuclear Energy Institute (NEI)[1] submits the following comments on behalf of the nuclear energy industry. These comments are in response to the January 12, 2000, *Federal Register* notice on the rulemaking petition from Mr. Bob Christie to amend hydrogen control system requirements and other system requirements based on severe accident risk insights.

The industry appreciates the opportunity to comment on the petition that reflects the frustrations of a number in the industry in regard to improving regulatory requirements. Our conclusions are the following:

1) We agree with the petitioner that the licensing actions with respect to the San Onofre hydrogen control system could be applied generically for pressurized water reactors with large, dry (including subatmospheric) containments.
2) The NRC assessment of the petition should be combined with the results of the NRC's overall review of Section 50.44 under Option 3 to SECY 98-300, which includes other NSSS designs and combustible gas control criteria.
3) The petition supports the industry and NRC staff conclusions that 10 CFR 50.44 is a good test case and priority for Option 3 to SECY 98-300, "Risk-Informing NRC Technical Requirements."

[1]NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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We believe improvements to Section 50.44 should now proceed in an expedited manner, and that the extensive effort resulting in the issuance of the San Onofre licensing action provides the generic basis for applicability to large dry containments for pressurized water reactors. The overall NRC conclusions on implementing risk-informed improvements to Section 50.44 could provide the basis for improvements beyond those recommended in the petition. We understand that the NRC staff will reach a conclusion on improving 10 CFR 50.44 in June 2000, that will include an assessment of Mr. Bob Christie's petition. This should be sufficient to address the petitioner's concern with regard to timeliness.

The suggestion that a Commission policy statement is necessary to remind industry and NRC staff of their obligation to bring to the attention of senior managers "conditions detrimental to public health" is not understood. Experience and regulatory history does not support the petitioner's perception that the industry and NRC do not take action to address requirements, or any other condition for that matter, known to be detrimental to plant safety. The current regulatory process has assured safe plant operations and provided adequate protection of public health and safety.

We understand the motivation of the petitioner with regard to encouraging the NRC to move more quickly to reflect risk insights in its regulatory improvement projects. The NRC initially identified the need for improvements in 10 CFR 50.44 in 1982. We share the petitioner's frustration with regard to lack of progress, yet acknowledge that the NRC is now beginning to concentrate its efforts on improving efficiency and increasing the regulatory focus on safety-significant requirements.

If you have any questions regarding the points made in this letter, please contact Mr. Adrian Heymer (202-739-8094, e-mail aph@nei.org), or Mr. Biff Bradley (202-739-8083, e-mail reb@nei.org).

Sincerely,

Stephen D. Floyd

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c: The Honorable Richard A. Meserve, Chairman, NRC
The Honorable Greta Joy Dicus, Commissioner, NRC
The Honorable Nils J. Diaz, Commissioner, NRC
The Honorable Edward McGaffigan Jr., Commissioner, NRC
The Honorable Jeffrey S. Merrifield, Commissioner, NRC
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