



NUCLEAR ENERGY INSTITUTE

00 AUG 16 09:48

David J. Modeen
DIRECTOR, ENGINEERING
NUCLEAR GENERATION DIVISION

OFFICE
ADMINISTRATIVE

August 11, 2000

Ms. Annette Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

DOCKET NUMBER
PETITION RULE PRM 50-71
(65FR34599)

Attention: Rulemaking and Adjudications Staff

SUBJECT: Petition for Rulemaking by Nuclear Energy Institute (NEI) to Amend
NRC Regulations To Allow Use of Zirconium-based Cladding Materials
Other Than Zircaloy or ZIRLO, Docket No. PRM-50-71 (*Fed. Reg.*
34599)
Request for Comments

PROJECT NUMBER: 689

Dear Ms. Vietti-Cook:

The Nuclear Energy Institute,¹ offers the following comments relative to a *Federal Register* notice that solicited public comments on the NEI petition for rulemaking to revise 10 CFR Part 50, §§ 44 and 46, to allow use of zirconium-based cladding materials other than zircaloy or ZIRLO in commercial nuclear power plants.

We urge adoption of the proposed rule changes detailed in the notice. Notwithstanding a clarification to the proposed rule language suggested below, we urge the NRC to notice promptly the proposed rulemaking. Given the immediate benefit to licensees and expectation that the NRC will not receive technically based adverse comments on the proposed change, it is an ideal candidate for promulgation as a direct final rule.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's 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, nuclear materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Template = SECY-067

SECY-02

Ms. Annette Vietti-Cook

August 11, 2000

Page 2

Our bases for supporting the actions requested in the petition were provided as part of the petition.

At a March 30, 2000, meeting with the industry, the NRC staff noted no major issues with the intent or content of the petition. However, after docketing the petition on April 12, the industry reviewers identified an improved wording for the new §50.46(e). The replacement wording for §50.46(e) should be:

“Approved cylindrical zirconium-based alloys are those whose performance has been evaluated and for which NRC has concluded that the acceptance criteria of paragraphs §50.46(b)(1) and (b)(2) apply.”

Rather than

“Approved cylindrical zirconium-based alloys are those whose performance has been evaluated and determined by the NRC to conform to the acceptance criteria of paragraphs §50.46(b)(1) and (b)(2).”

While not changing the intent or effect of the proposed rule change, the revised wording clarifies the application of the rule to new cladding materials. The revised wording also avoids the ambiguous phrase, “to conform to.”

In summary, the industry supports the technical bases and conclusions drawn in the proposed rule change. We recommend that the NRC promptly revise §§50.44 and 50.46, as described in the petition, subject to the one change.

Sincerely,



David J. Modeen

DJM/maa

c: Mr. David L. Meyer, U.S. Nuclear Regulatory Commission
Mr. Joseph L. Birmingham, U.S. Nuclear Regulatory Commission
Mr. Jared S. Wermiel, U.S. Nuclear Regulatory Commission