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GE Nuclear Energy

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Rules and Directives Branch USNRC

The Honorable Richard A. Meserve
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop 016 C1
Washington, D.C. 20555-0001

Dear Chairman Meserve:

We appreciate and commend the Commission on their interest in proactively addressing issues that may impede the renewal of the nuclear option in the United States. It is vitally important that nuclear power be included in the nation's efforts to address future electrical energy production. NRC and industry efforts to develop certified designs under the provisions of 10 CFR Part 52 were a significant step in the right direction and one in which the NRC should take great pride in the key role they played. However, these efforts may prove to be worthless if the utilities lack certainty in the combined license (COL) application process. A key issue, which is likely to lead to uncertainty on the part of the utilities, is whether combined license (COL) applications should contain inspections, tests, analyses and acceptance criteria (ITAAC) on operational programs such as security, training, and radiation protection. GE believes they should not.

In SECY-00-0092, the NRC staff outlines their position that the 1992 Energy Policy Act and Part 52 require that a COL application contain proposed ITAAC to cover operational programs. While GE can understand how it is possible to interpret the requirements in this manner it is contrary to our longstanding interpretation of these same requirements. GE believes that references to COL ITAAC were intended to and should be focused on verifying the proper construction of the plant. ITAAC on operational programs are not required. Our strong belief of this is based on the underlying intent and objectives of Congress in promulgating the 1992 Energy Policy Act which is reflected in Part 52.

Industry has long recognized that Part 52 necessarily includes continued reliance on the existing NRC inspection and oversight activities. As such, it is not the one-time verification of ITAAC on operational programs that will provide the NRC with reasonable assurance that the facility will be operated as licensed. Rather, it is continued compliance with operational program requirements and the ongoing NRC oversight of licensee performance that provides this reasonable assurance.

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The NRC continuously demonstrates the effectiveness and comprehensiveness of this inspection and enforcement processes. To include requirements for programmatic ITAAC would be largely duplicative of existing NRC oversight and thus needlessly consume NRC and licensee resources, both in the development of programmatic ITAAC and in their implementation during plant construction.

For these reasons, we urge the Commission to make a policy decision now that COL ITAAC on programs are not necessary.

It should also be noted that GE fully supports the industry comments on this same issue expressed in the NEI Letter of July 31, 2001

I would be pleased to further discuss this important matter with the Commission should you desire.

Sincerely,

Steven A. Hucik

cc: The Honorable Greta J. Dicus
The Honorable Edward McGaffigan, Jr.
The Honorable Jeffrey S. Merrifield
Dr. William D. Travers
R. L. Simard (NEI)