



January 8, 2002
NRC:02:001

Thomas L. King, Director
Division of Systems Analysis and Regulatory Effectiveness
Office of Nuclear Regulatory Research
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738

Comments on SECY 01-0133

Dear Mr. King:

The NRC has set forth recommendations for risk informing portions of 10CFR50 in SECY 01-0133. Many of these concepts have been discussed in numerous public meetings and the concerns and positions of various parties are well known. One of the recommendations, made in part to facilitate the use of cladding alloys other than Zircaloy and Zirlo, is to replace the criteria in 10CFR50.46 associated with cladding embrittlement with performance based criteria. Framatome ANP strongly supports the inclusion of advanced cladding materials as set forth in a petition from NEI to the NRC of April 12, 2000. However, the specific recommendation made by the NRC concerning the use of performance based criteria has not had the benefit of public discussion, and Framatome ANP is concerned about the appropriateness of this particular recommendation. Our concerns are discussed below.

The establishment of specific performance based criteria will require the development of new regulatory guides. This approach would have several negative consequences. First, the development of new regulatory guides would constitute a major and costly effort by the NRC. Second, it would create a significant burden on industry to evaluate and implement the criteria. Third, the establishment of such criteria will lead to inconsistent applications to different cladding materials. Fourth, these criteria are unnecessary because they would not provide any benefit to public safety.

The suggested change is only partially performance based. Ideally, performance based criteria would specify minimum properties or behavior of the cladding after a LOCA. The demonstration that these minimums would be achieved is left to the licensee. This is not the concept being suggested. In addition, this approach is not risk based because it does not shift the analytical effort to activities of greater risk, but simply increases the burden in an area recognized as low risk.

In summary, the recommendation to risk inform this portion of 10CFR50.46 places substantial and unnecessary burdens on all parties with no commensurate benefit to plant operation or public safety.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. M. Mallay". The signature is fluid and cursive, with the first and last names clearly legible.

James F. Mallay, Director
Regulatory Affairs

/lmk

cc: Project 693