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NUCLEAR ENERGY INSTITUTE

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Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
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OFFICE OF SECRETARY  
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**SUBJECT: Direct Final Rule: Facility Change Process Involving  
Items Relied on for Safety: RIN 3150-AH96 (Federal Register, Vol. 71, No. 187, p. 56344, September 27, 2006)**

The Nuclear Energy Institute (NEI)<sup>1</sup> on behalf of its industry members has reviewed the direct final rule that would amend 10 CFR Part 70.72(c)(2). NEI believes this clarification, which would permit a licensee to change, remove or replace an Item Relied on for Safety (IROFS) that is not required to meet the Part 70.61 performance criteria without NRC pre-approval, is appropriate. NEI recommends no changes to the proposed amendment.

Coincident with issuance of the direct final rule, the NRC staff prepared Regulatory Issue Summary (RIS) 2006-14. Regrettably, NEI members have serious concerns with the interpretations in this RIS on how to apply the direct final rule revisions to 10 CFR 70.72(c)(2). NEI will address these concerns in a separate communication.

Sincerely,

Felix M. Killar, Jr.

<sup>1</sup> 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, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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**From:** "KILLAR, Felix" <fmk@nei.org>  
**To:** <SECY@nrc.gov>  
**Date:** Fri, Oct 27, 2006 4:46 PM  
**Subject:** Direct Final Rule: Facility Change Process Involving Items Relied on for Safety: RIN 3150-AH96 (Federal Register, Vol. 71, No. 187, p. 56344, September 27, 2006)

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Felix M. Killar, Jr.

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**From:** "KILLAR, Felix" <[fmk@nei.org](mailto:fmk@nei.org)>

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