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CORRESPONDENCE CONTROL TICKET

To: Dyer, NRR
Appropriate Action

Date Printed: Jan 03, 2007 10:43

PAPER NUMBER: LTR-07-0004

LOGGING DATE: 01/03/2007

ACTION OFFICE: EDO

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AUTHOR: Mr. Adrian Heymer

AFFILIATION: NEI

ADDRESSEE:

SUBJECT: Comments on Advanced Notice of Proposed Rulemaking for 10 CFR Parts 50 and 53 -
Approaches to Risk-Informed and Performance-Based Requirements for Nuclear Power
Reactors (71 FR 26267, May 16, 2003)

ACTION: Appropriate

DISTRIBUTION:

LETTER DATE: 12/28/2006

ACKNOWLEDGED No

SPECIAL HANDLING:

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

Template: SECY-017

E-RIDS: SECY-01



NUCLEAR ENERGY INSTITUTE

Adrian P. Heymer
SENIOR DIRECTOR, NEW PLANT DEPLOYMENT
NUCLEAR GENERATION DIVISION

December 28, 2006

Ms. Annette L. Vietti-Cook
Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Comments on Advance Notice of Proposed Rulemaking for 10 CFR Parts 50 and 53 –
*Approaches to Risk-Informed and Performance-Based Requirements for Nuclear
Power Reactors (71 Federal Register 26267, May 16, 2003)*

PROJECT NUMBER: 689

Dear Ms. Vietti-Cook:

The Nuclear Energy Institute (NEI)¹ offers the following comments on the subject *Federal Register* notice, which solicited public comments on the advance notice of proposed rulemaking for a proposed 10 CFR Part 53. These comments amplify the initial industry comments submitted on September 8, 2006.

The NRC has provided a good start to a technology-neutral, risk-informed regulatory framework. The essential elements of have been captured, yet the framework needs further development. It should be evaluated against a non-LWR design certification and licensing proceeding prior to finalizing the new regulations. We will continue to support the development of these regulations.

The Enclosure provides our detailed comments and responses to the questions listed in the *Federal Register*. If there are questions on these comments, please contact me at 202-739-8094; aph@nei.org or Biff Bradley at 202-739-8083; reb@nei.org.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. P. Heymer".

Adrian P. Heymer

Enclosure

- c. Mr. William Borchardt, NRC
- Mr. Brian Sheron, NRC
- Mr. David B Mathews, NRC
- Dr. Farouk Eltawila, NRC
- Ms. Mary Drouin, NRC

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.