

February 17, 2012

Dr. J. Sam Armijo, Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: PROPOSED DRAFT RULE FOR 10 CFR 50.46c, "EMERGENCY CORE COOLING SYSTEM PERFORMANCE DURING LOSS-OF-COOLANT ACCIDENTS"

Dear Dr. Armijo:

I am responding to your letter to the U.S. Nuclear Regulatory Commission (NRC), dated January 26, 2012, about the 590th meeting of the Advisory Committee on Reactor Safeguards (ACRS) to review the proposed draft rule for Title 10 of the *Code of Federal Regulations* (10 CFR) 50.46c and the NRC staff's safety assessment and audit of the margin assessments from the boiling-water reactor and pressurized-water reactor owners' groups. We appreciate the time and effort the ACRS has devoted to this important subject.

The ACRS letter commended the staff and industry contributors for their systematic and thorough work on the emergency core cooling system safety performance assessment and audit. We are pleased with your positive feedback on these items.

Your letter concluded that the proposed rule should be issued for public comment after consideration of the ACRS recommended change on the periodic breakaway oxidation testing requirement. ACRS recommended that "the breakaway oxidation testing requirement for each reload batch and annual reporting requirement in the draft rule should be replaced by a requirement that licensees assure that the breakaway oxidation resistance requirements of the proposed rule are met for the fuel in their reactors and provide supporting documentation."

The proposed rule would require licensees to measure breakaway oxidation for each reload batch and to report the results to the NRC annually (i.e., at any time during each calendar year). As stated in the preliminary draft *Federal Register* notice (FRN), the objective of such periodic testing is to prevent affected fuel from being loaded into the reactor without adding an ineffective and unnecessary burden to the regulation. The ACRS recommendation is a good comment and is the type of feedback on the proposed requirement that the staff is soliciting with specific requests for comment in the draft FRN. Specifically, the staff is seeking stakeholder feedback on the type of data reported and the proposed frequency of required testing.

The staff would like to obtain and review public comments before revising the proposed requirements. The staff will consider the ACRS comments along with comments received from the public.

In addition to the formal recommendation on breakaway oxidation testing, your letter also noted that "greater thought should be given to (the reporting criteria) with the objective of adjusting the reporting requirements to levels that are commensurate with plant specific peak cladding

temperature and equivalent cladding reacted margins, and the safety significance associated with changes or errors.” The staff appreciates this comment, and in fact the advance notice of proposed rulemaking (ANPR) stated that the NRC is considering revising the reporting criteria as ACRS recommends (74 FR 40773; August 13, 2009). The NRC received 20 comments in response to the specific request for comment on the subject. None of the comments fully supported the ANPR proposal. After reviewing the public comments, the staff determined that the proposed ANPR reporting requirements were complex and might promote unnecessary burden or misinterpretation. Therefore, the staff has decided to maintain the current rule’s approach, and did not incorporate into the proposed rule a dependence on margin between the acceptance criteria and calculated parameters. The staff will consider the ACRS comments, along with public comments, when developing the draft final rulemaking package.

The NRC staff appreciates ACRS’ feedback on the proposed rule and plans to recommend to the Commission that the proposed rule and associated guidance documents be published for comment.

Sincerely,

/RA by Martin J. Virgilio for/

R. W. Borchardt
Executive Director
for Operations

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
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