



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

January 13, 2017

Mr. Anthony R. Pietrangelo  
Nuclear Energy Institute  
1201 F Street NW, Suite 1100  
Washington, DC 20004

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RESPONSE TO LETTER REGARDING SUPPLEMENTAL COMMENTS ON SECY-16-0033, "DRAFT FINAL RULE – PERFORMANCE-BASED EMERGENCY CORE COOLING SYSTEMS CLADDING REQUIREMENTS AND RELATED FUEL CLADDING ACCEPTANCE CRITERIA" (DOCKET ID NRC-2008-0332) (RIN 3150-AH42)

Dear Mr. Pietrangelo:

Thank you for your letter dated November 17, 2016, regarding the concerns with the draft final rule in SECY-16-0033, "Draft Final Rule - Performance-Based Emergency Core Cooling Systems Cladding Requirements and Related Fuel Cladding Acceptance Criteria," which was provided to the Commission for its consideration on March 16, 2016. In your letter, the Nuclear Energy Institute expresses concern regarding the adequate protection justification and analysis of alternatives that support issuance of the Final Rule. The Commission is currently reviewing the final rule and supporting information provided in SECY-16-0033.

At this time, the U.S. Nuclear Regulatory Commission (NRC) staff does not intend to treat your letter as a "late-filed" comment on the rule. A copy of your letter has been provided to each of the Commission offices for consideration during deliberation on the final rule. The Commission may consider your input and include any necessary direction to the NRC staff in its staff requirements memorandum regarding SECY-16-0033, which will be made publicly available after the Commission completes its deliberations on the draft final rule. The NRC staff considered the comments, including those related to adequate protection, submitted by the Nuclear Energy Institute on August 21, 2014, in developing the draft final rule.

The NRC staff appreciates the Nuclear Energy Institute's interest in this rulemaking activity. If you have additional questions or concerns, please contact Alysia Bone, Rulemaking Project Manager at 301-415-1034, or via email at [alysia.bone@nrc.gov](mailto:alysia.bone@nrc.gov), to facilitate further discussions.

Sincerely,

/RA/

William M. Dean, Director  
Office of Nuclear Reactor Regulation

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William M. Dean, Director  
Office of Nuclear Reactor Regulation

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OFFICE	NRR/DPR/PRMB/PM	NRR/DPR/PRMB/RS	NRR/DPR/PRMB/BC	NRR/DSS/DD
NAME	JCarneal	GLappert	MKhanna ( <i>ABone for</i> )	RTaylor
DATE	1/5/2017	1/5/2017	1/5/2017	1/6/2017
OFFICE	OGC	NRR/DPR/D	NRR/D	
NAME	GMizuno	LLund ( <i>MGavrilas for</i> )	WDean	
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