



DOCKET NUMBER
 PROPOSED RULE **PR 50,52&100**
 DOCKETED (59 FR 52255)
 NUCLEAR ENERGY INST ~~491096~~

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 VICE PRESIDENT,
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OFFICE OF SECRETARY
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 BRANCH

December 22, 1994

Mr. John C. Hoyle
 Acting Secretary
 Office of the Secretary
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555

ATTENTION: Docketing and Service Branch

SUBJECT: Request for Extended Comment Period for "Reactor Site Criteria Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants and Proposed Denial of Permit from Free Environment, Inc. et. al.," Proposed Rule 59 FR 52255)

On October 17, 1994, the *Federal Register* (59 FR 52255) notice for public comment proposed rulemaking to 10 CFR Parts 50, 52 and 100, regarding the subject topics. The *Federal Register* notice requests that comments be received by February 14, 1995. This letter provides the request by the Nuclear Energy Institute (NEI)¹ on behalf of the nuclear energy industry that the comment period be extended.

The first proposed revision to the subject regulations was published for public comment on October 20, 1992 (57 FR 47802). The availability of five draft regulatory guides and the standard review plan sections developed to provide guidance on meeting the proposed regulations was published on November 25, 1992 (57 FR 55601). The NRC initiated an extension of the comment period for the proposed regulations on January 5, 1993 (58 FR 271), based on the conclusion by the staff that "...because the proposed rule would move the detailed guidance from the regulation and place it into a regulatory guide, a critical evaluation of the proposed rule could not be performed until the draft regulatory guides and standard review plan section[s] were available." The proposed regulations and the draft guidance documents have subsequently been withdrawn by the NRC "...because of the substantive nature of the changes to be made in response to public comments and are replaced with the second proposed revision of the regulations presented in this document" (59 FR 52255).

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'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. NEI is the successor organization to the Nuclear Management and Resources Council (NUMARC).

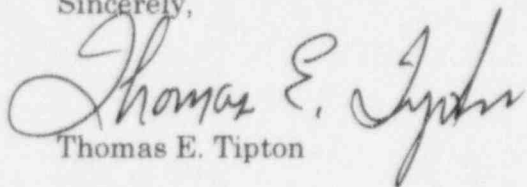
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In the subject *Federal Register* notice of October 17, 1994, announcing the second proposed revision, the NRC confirms its plans to develop and notice the availability of the five draft regulatory guides and changes to the standard review plan sections providing guidance on meeting the proposed regulations. It is our understanding from discussion with NRC staff that the draft guidance will likely not be publicly available for comment until 1995. The lack of availability of the draft guidance for review severely limits the capability to perform a critical evaluation of the proposed rule, similar to the situation regarding the first proposed rulemaking.

NEI, on behalf of the nuclear energy industry, requests that the period for public comment on the subject proposed rulemaking be extended to properly reflect the need for availability of the draft guidance to support the public comment period, i.e., 120 days following notice of availability of the draft guidance and standard review plan sections in the *Federal Register*.

In view of the importance of the proposed rule, we would appreciate your timely consideration and response to this request. If you have any questions, please call Dave Modeen at (202) 739-8084 or me at (202) 739-8107.

Sincerely,



Thomas E. Tipton

TET/RLA/ljw

c: Andrew J. Murphy, RES/SSEB
Leonard Soffer, RES/SAID