

February 24, 2004

MEMORANDUM TO: Mark P. Rubin, Section Chief  
Safety Program Section  
Probabilistic Safety Assessment Branch  
Division of Systems Safety and Analysis  
Office of Nuclear Reactor Regulation

Glenn B. Kelly, Sr. Reliability Risk Analyst  
Probabilistic Safety Assessment Branch  
Division of Systems Safety and Analysis  
Office of Nuclear Reactor Regulation

FROM: John W. Craig, Associate Director **/RA/**  
for Inspection and Programs  
Office of Nuclear Reactor Regulation

SUBJECT: NON-CONCURRENCE WITH THE COMMISSION PAPER ON  
10 CFR 50.46

This memorandum responds to your memorandum and note dated February 23, 2004, copies attached, which discussed your non-concurrence with the draft Commission paper. The Commission paper discusses and requests Commission direction on several policy issues to support the development of a proposed rule related to emergency core cooling large break loss of coolant accidents. The paper also discusses various technical issues related to such a rule.

The discussion of different views and comments is an essential aspect of fulfilling our safety mission. I want to recognize and thank you for your willingness to provide comments you believe are important for the consideration of the issues discussed in the paper. Your comments reflect a commitment to safety and a desire to support this important activity to further risk-inform NRC regulations.

I have considered the comments and conclude that the paper, as written, describes both the safety implications associated with revisions to 10 CFR 50.46, and the issues related to determining the frequency of loss of coolant break size. As we discussed, the comments, on balance, provide additional emphasis on items that are discussed in both the paper and the attachments, rather than identify significant issues which are not included in the paper. While your comments were not incorporated into the paper, they will be forwarded to the Commission along with this memorandum as an attachment to the paper.

If you have any questions, or would like to discuss this matter further please let me know. I appreciate your desire to ensure that the significance of these issues are understood and your support on the difficult task of revising these regulations. I look forward to your help in this effort.

Attachments:

As stated

cc: R. Borchardt

B. Sheron

If you have any questions, or would like to discuss this matter further please let me know. I appreciate your desire to ensure that the significance of these issues are understood and your support on the difficult task of revising these regulations. I look forward to your help in this effort.

Attachments:  
As stated

cc: R. Borchardt  
B. Sheron

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J. Dyer  
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