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(66FR59546)

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PO Box 1196
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December 26, 2001

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff, Mail Stop O-16C1

Subject: 10 CFR Part 50
Risk-Informed Treatment of Structures, Systems and Components
Comments on the draft §50.69 (ref. 66 Fed Reg. 59546, dated November 29, 2001)

Dear Secretary,

The NRC recently released draft rule language for §50.69 following a public workshop on draft rule concepts that were previously released to the public. I commend the NRC for these actions related to risk-informing the nuclear power regulatory process and for increasing stakeholder participation and interaction in the regulatory process. As an interested stakeholder, I am providing the following comments on the draft §50.69 language for NRC consideration.

1. The term "Service Life" is used many times in the draft §50.69 language. To my knowledge, this term has not been used in 10 CFR Part 50. I recommend that the definition of "Service Life" be included §50.69.

2. The majority of the draft §50.69 language is dedicated to the treatment of structures, systems, and components (SSCs) determined to be of low safety significance (RISC-3 and RISC-4 SSCs). This appears to be an inappropriate focus of the rule. In accomplishing the mission of protecting the health and safety of the public, I believe more appropriate for the NRC to focus on issues and SSCs of high safety significance.

3. The language of the draft rule contains terms that are open to different interpretation by different stakeholders. This is inconsistent with the current framework of prescriptive special treatment regulations such as 50.49 and 50.55a. Examples of ambiguous language include:

   a. "reasonable" confidence

   b. "suitable" materials, methods, and standards

   c. design inputs "related to" the performance of design-basis functions

   While I applaud less prescriptive regulation, the ambiguity of this language allows for different interpretations which is inconsistent with good regulation. Good regulation should provide clear objectives to be met, criteria by which these objectives can be evaluated, and consequences for failure to meet them.

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4. The phrase "provide reasonable confidence in the capability of RISC-3 SSCs to perform their safety-related functions under design-basis conditions throughout their service life." can be interpreted to require more attention be paid to RISC-3 SSCs than RISC-1 and RISC-2 SSCs **or** current SSCs classified as Safety-Related and subject to the full spectrum of special treatments mandated by current regulation and required by current commitments. This interpretation is inconsistent with the underlying principle of risk-informed regulation that the level of assurance of functionality may be lower for low safety-significant SSCs than for high safety-significant SSCs that has been communicated by the NRC in the public workshops.

   I recommend that the use of such ambiguous terminology be minimized or eliminated.

5. The draft §50.69, ¶50.69(d)1(ii), addressing the requirements for RISC-1 and RISC-2 SSCs, states, "The licensee shall ensure that the assumptions in the categorization process and the treatment being applied to these SSCs are consistent." I do not understand what this requirement means or requires an owner/licensee to do. I recommend that the rule provide a more clear and definitive requirement.

6. The draft §50.69, ¶50.69(d)2(ii)(A), addressing the Design Control requirements for RISC-3 SSCs, states in part, "As part of design control, design inputs (emphasis added) related to the performance of design-basis functions of RISC-3 SSCs throughout their service life must be maintained and applied." I believe it inappropriate for the NRC to be concerned with design inputs of low safety-significant SSCs. The NRC focus should be on the design bases and design basis functions of these SSCs. I recommend that the rule language be modified to remove emphasis on design inputs and replace it with design bases.

7. The draft §50.69, ¶50.69(d)2(ii)(E), addressing the Inspection, Test, and Surveillance Process requirements for RISC-3 SSCs, states in part, "Data or information must be obtained to support the determination that these SSCs will remain capable of performing safety-related functions under design-basis conditions throughout their service life." Current Inspection, Test, and Surveillance Process requirements for many Safety-Related SSCs are specified in 10 CFR 50.55a which references the American Society of Mechanical Engineers (ASME) Codes for requirements. The ASME Code does not require that data be obtained to support the determination that these SSCs will remain capable of performing safety-related functions under design-basis conditions throughout their service life. Rather the ASME Codes require that data be obtained to provide confidence in the operation readiness of SSCs.

   I recommend this paragraph be modified to state, "Data or information must be obtained to assess the operational readiness of these SSCs. The data or information for pumps, valves, and snubbers must allow evaluation of operating characteristics of these RISC-3 SSCs. Use of the ASME Code and the ASME Risk-Informed Code Cases is an acceptable method for obtaining and analyzing this data and information."

I again want to express my favorable position regarding the NRCs desire to risk-inform the regulatory process for nuclear power facilities and for actively soliciting stakeholder participation

in the regulatory process. I appreciate the opportunity to participate in these efforts and look forward to your response. If you have any questions or comments, please contact me at (410) 394-1504 or cds@itsc.com.

Sincerely,

Craig D. Sellers

cc: Ms. Eileen M. McKenna
Risk-Informed Initiatives,
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