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Ms. Annette L. Vietti-Cook, Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attention: Rulemakings and Adjudications Staff

Subject: Comments on NEI Petition for Rulemaking, PRM-50-75, Large Break
LOCA Redefinition, 67FR16654 dated April 8, 2002

Duke Energy appreciates the opportunity to comment on the NEI petition for rulemaking, PRM-50-75, regarding Large Break LOCA redefinition as published in the Federal Register on April 8, 2002. Duke Energy views the proposal in the petition as an important element in creating a regulatory structure that reflects today's state of knowledge and operating experience.

The double-ended break design basis required by the current regulations has far-reaching effects on plant design and operation. However, over 30 years of operating experience and improvements in engineering knowledge and methods have shown that a double-ended break of the largest reactor coolant system piping should no longer be a dominant LWR safety criterion. Adoption by the NRC of the proposed petition would enable more regulatory and industry energy to be focused on areas that are of more benefit to the safe and reliable operation of the nation's nuclear power plants.

Also, as described in the petition, the existing regulations are inconsistent in their treatment of the dynamic effects and other design effects of a postulated design basis pipe break. Adoption of the proposed petition would allow the NRC to make the regulations more consistent, which would be expected to increase confidence in the regulatory process.

The industry and its various owners groups have collectively worked together to develop this NEI petition. This change to risk-inform 10 CFR Part 50 has been identified by industry as the single broadest improvement that can be made to 10 CFR Part 50. To date this effort has had significant technical and financial support from the industry. However, we believe that we must achieve success with LBLOCA redefinition; otherwise, other important risk informed changes may not generate such active support or participation. The NRC's response to this petition will provide a clear indication to industry of your interest in real risk informed changes.

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It is recognized that there are technical issues to be resolved related to the implementation of the revised rule. However, the resolution of these implementation issues should occur in parallel with the rulemaking, and the rulemaking should not hinge on the prior resolution of all implementation issues.

Duke Energy views the regulatory change proposed in the NEI petition as a cornerstone in the NRC's process to improve the regulatory structure. From the senior management level on down, the industry has actively supported redefinition of the maximum break size and frequently encouraged the NRC to move forward with it as the highest priority for risk-informing the technical requirements in the regulations. We recognize there are large challenges associated with changing a requirement that has existed for so long and which has such far-reaching effects, but it is clear the time has come. We do not want to see this opportunity for improvement pass unanswered.

We concur with recent statements of one Commissioner that "...the Large Break LOCA is obsolete now, a true anachronism in today's safety envelope. It needs to be abandoned in favor of what really affects safety and is risk significant." We believe that the NEI proposed rule will enable us to move toward this objective.

Thank you for this opportunity to provide comments. Please address any questions to Lee Hentz at 704-382-8081.

Sincerely,

M. S. Tuckman

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