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PROPOSED RULE PR 50
(68FR26511)

State of New Jersey

Department of Environmental Protection

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 Commissioner

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July 31, 2003 (11:00AM)

July 30, 2003

OFFICE OF SECRETARY
 RULEMAKINGS AND
 ADJUDICATIONS STAFF

Secretary
 United States Nuclear Regulatory Commission
 Washington, DC 20555-0001
 Attention: Rulemaking and Adjudication's Staff

Dear Sir:

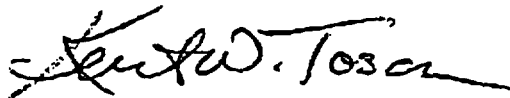
The New Jersey Department of Environmental Protection's Bureau of Nuclear Engineering (BNE) has reviewed the proposed amendment to 10 CFR 50 entitled "Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors" contained in the May 16, 2003 Federal Register. The BNE has the following comments for the U. S. Nuclear Regulatory Commission's consideration in developing the final regulation:

1. The proposed regulation (10 CFR 50.69) represents an enhancement to plant safety and therefore, we recommend that all licensees be required to implement it. If implemented effectively, the proposed regulation would combine insights from both probabilistic and deterministic safety assessments and could enhance the safe operation of nuclear power plants in the United States.
2. The proposed rule requires that SSC safety-significance be determined using quantitative information from an up-to-date PRA reasonably representing the current plant configuration. The current PRA's are updated periodically by the licensee but no firm schedule is required nor no NRC review is outlined to ensure that the PRA "reasonably represents" the current plant configuration. We recommend that the NRC review the licensee PRAs, in depth, periodically.
3. We recommend that the NRC impose the proposed rule for all structures, systems and components (SSCs). Any additional requirements that would result from this process, based on probabilistic analysis, that would enhance the safe operation of the plants would not be realized for any SSCs' that Sec. 50.69 is not implemented on.
4. We recommend that the NRC require all licensees perform level 2 internal and external initiating events, all mode, peer-reviewed PRA that must be submitted for review to the NRC. This would ensure that quality probabilistic analyses would be the basis for all Sec. 50.69 determinations based on all initiating events and all modes

- of plant operations.
5. We recommend that the NRC impose a reasonable timeframe for the licensee to implement the proposed rule. We support a well thought out process that is expeditiously implemented within two years.
 6. The proposed rule focuses on common-cause effects because significant increases in common-cause failures could invalidate the evaluations. The proposed rule does not provide enough guidance for the licensee to make sure that this phenomenon is properly accounted for by the licensee.
 7. The licensee's proposed treatment program for RISC-3 SSCs is critical in ensuring that appropriate requirements for systems that are safety related based on deterministic analyses are not deleted. Therefore, the BNE recommends that licensees be required to submit their proposed treatment program for RISC-3 SSCs to the NRC for review and approval prior to the implementation of Sec. 50.69.
 8. The BNE recommends that the additional details provided in Section V.4 of the Statement of Considerations be included in the final rule.

If you have any questions, please contact me at (609) 984-7701.

Sincerely,



Kent W. Tosch, Manager
Bureau of Nuclear Engineering

c: Jill Lipoti, Ph. D., NJ DEP
Dennis Zannoni, NJ DEP
Robert Bores, NRC