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DOCKETED
USNRC

Michael R. Kansler
President

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

DOCKET NUMBER
PROPOSED RULE PR 50
(68FR 26511)

August 19, 2003
JPN-03-022
NL-03-135
ENO Ltr. 2.03.086
BVY 03-073

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

ATTN: Rulemaking and Adjudications Staff

Subject: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Indian Point Nuclear Generating Unit No. 1
Docket No. 50-003
Indian Point Nuclear Generating Unit No. 2
Docket No. 50-247
Indian Point Nuclear Generating Unit No. 3
Docket No. 50-286
Pilgrim Nuclear Power Station
Docket No. 50-293
Vermont Yankee Nuclear Power Station
Docket No. 50-271
Comments on Proposed Rulemaking - 10 CFR 50.69, Risk-Informed
Categorization and Treatment of Structures, Systems and
Components for Nuclear Power Reactors (RIN 3150-AG42)

Reference: Federal Register Vol. 68, No. 95, Pages 26511-26551, dated May 16, 2003

Dear Madam Secretary:

Entergy Nuclear Operations Inc. (ENO) is pleased to submit comments on the above subject proposed rulemaking.

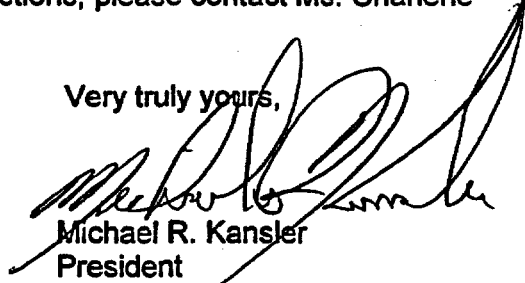
ENO believes, in general, that the proposed regulatory change embodied in 10 CFR 50.69 is positive and allows an approach that aligns the level of regulatory requirements with the level of safety significance. Specific comments on the proposed rulemaking are provided in Attachment I to this letter.

Template = SECY-067

SECY-02

Thank you for the opportunity to provide these comments. There are no new commitments made in this letter. If you have any questions, please contact Ms. Charlene Faison at 914-272-3378.

Very truly yours,



Michael R. Kansler
President
Entergy Nuclear Operations, Inc

Attachment: As stated

cc:

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ATTACHMENT I

Comments on Proposed Rulemaking – 10 CFR 50.69

James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Indian Point Nuclear Generating Unit No. 1
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Attachment I

Comments on Proposed Rulemaking - 10 CFR 50.69

General Comments on Proposed 10 CFR 50.69

The process of implementing the new regulation contains provisions that go beyond what are necessary to address the proposed rule. For example, it is not necessary to require a license amendment to be able to proceed. While some type of licensee/staff interaction may be appropriate, the introduction of the license amendment process introduces a degree of uncertainty that may discourage licensees from pursuing what could clearly be a "win-win" approach to improving both safety and efficiency.

The proposed rule also requires that the Probabilistic Risk Assessment (PRA) be updated at least once every 36 months to account for plant specific data, design, and procedure changes as well as plant specific and industry operating experience. Since operating cycles of 24 months are now common, this requirement would place the maximum interval in the middle of an operating cycle. The regulation also requires a timelier update if any change would result in a significant increase in the CDF or LERF or might change the categorization of SSCs. Since, realistically, most plant changes are implemented during outages and, given the need for ongoing reviews and updates as required to address any significant change, the maximum interval is no more than a "backstop". Therefore, it is more reasonable to tie the maximum interval to two operating cycles.

Specific Comments on Proposed 10 CFR 50.69

Issue 1: PRA Requirements - whether the rule should require a Level 2, Internal and external initiating events, all-mode, peer-reviewed PRA that must be submitted to and reviewed by the NRC.

ENO does not see the safety benefit for requiring this level of PRA to assure that an adequate level of safety is provided in this application. This proposed requirement would be counter to the recognized value of the current policy of aligning the level of requirements to the proposed application. Imposing requirements that place an unreasonable burden on licensees does not serve to improve overall safety if it inhibits or precludes licensees from moving toward a regulatory regime that is accepted by virtually all stakeholders as a positive step in improving safety.

ENO believes that incorporation of PRA input consistent with the level of the technology adopted by each licensee and combined with non-quantified insights and the experience of the integrated decision making panel can provide a result of sufficient quality to accomplish the intent of the proposed regulation.

Issue 2: NRC Review - whether the NRC should review and approve alternative treatments (the current proposed rule requires that the NRC review and approve the categorization process, but not the specific alternative treatments to be applied to the low-risk components).

"Two primary objectives of this effort (toward risk informed regulation) are to develop a risk-informed regulatory framework that will enhance safety as well as reducing unnecessary staff and licensee burden"¹. The proposed approach in this regulation is intended to provide that balance. All design and functional requirements are required to be retained under the proposed regulation. The alternate approach will simply reduce the burden where appropriate (and may, in fact, increase the requirements associated with some risk significant SSCs). Requiring the licensee and staff to expend unnecessary resources upfront to assess the efficacy of alternate treatments for low risk significant SSCs, thereby potentially redirecting limited resources from other more significant activities, would, in fact, adversely impact overall safety. The very nature of low risk significant SSCs is that the normal course of implementation and monitoring by the licensee and regulator provides adequate safety assurance.

Issue 3: Inspection and Enforcement - whether or not changes are needed in the NRC inspection and enforcement programs to ensure an appropriate degree of NRC oversight.

There is nothing inherently unique to this risk informed application that would necessitate a different approach to regulatory oversight than already established in the current risk informed regulatory regime. There are numerous opportunities within the proposed regulation and the overall risk informed regulatory regime to assess and monitor licensee processes and programs.

Issue 4: Operating Experience - what role relevant operational experience could play in reducing the uncertainty associated with relaxing special treatment requirements, and what information may be available that could be useful.

The use of an integrated decision making process, already incorporated into the proposed regulation, is specifically intended to incorporate a breadth of operational and design experience into the categorization process. The licensee must be able to demonstrate that the categorization process, including the determination of safety significance, uses both risk insights and traditional engineering insights, and:

- maintains the defense-in-depth philosophy
- maintains sufficient safety margin, and
- assures that increases in risk (if any) remain small

The integrated decision-making panel (IDP) must be composed of experienced personnel who possess diverse knowledge and insights in plant design and operation and who are capable in the use of deterministic knowledge and risk insights in making SSC classifications. Ongoing opportunities for sharing and incorporating experience on a broader basis, including those associated with existing industry (e.g. INPO, NEI and Owners Group) and regulatory (e.g. Maintenance Rule) programs already provide a substantial data source for licensees to draw upon in both categorizing SSCs and recognizing impacts and changes in performance.

- 1) SECY-98-300, "Options for Risk-Informed Revisions to 10 CFR Part 50 – 'Domestic Licensing of Production and Utilization Facilities'", December 23, 1998.