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An AREVA and Siemens Company

FRAMATOME ANP, Inc.

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Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attention: Rulemaking and Adjudications Staff

Subject: Comments on Notice of Proposed Rulemaking for 10 CFR 50.69, *Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors*, (68 Federal Register 26511, May 16, 2003)

Framatome ANP (FANP) offers the following comments on the subject Federal Register Notice, which solicited public comments on the proposed rule 10 CFR 50.69. Implementation of this rule has the potential to enhance safety and provides an opportunity to beneficially realign resources for both the nuclear power industry and the NRC to focus on those structures, systems, and components (SSCs) that have the most significant impact on nuclear power plant risk.

FANP acknowledges the NRC staff's considerable effort to develop this proposed rule. The rule language has evolved over time, improving with each successive draft. Nonetheless, FANP believes there are still two substantive issues that must be resolved before 10 CFR 50.69 can be considered a viable rule that will be used voluntarily by the nuclear power industry. These issues are the same as discussed in NEI's comments on the subject Federal Register Notice. First, the rule language and the statements of consideration (SOC) are inconsistent with regard to expectations for the treatment and monitoring of SSCs that are RISC-3 (e.g., safety-related with low safety significance). In some cases, the SOC contains requirements that are impractical, are prescriptive, do not use risk insights, or actually exceed current requirements for safety-related equipment. Second, the issue of the extent of the scope and technical capability of a probabilistic risk assessment (PRA) to support 10 CFR 50.69 must be resolved.

Further, FANP supports and endorses all of the NEI comments on this rulemaking as provided to the NRC in a letter dated August 22, 2003 in response to the Federal Register Notice. In particular, FANP agrees with the four attachments provided, namely, response to the "Questions for Public Input" (Section VI.2.0), justification of the use of the current level of PRA common to most licensees (as opposed to a full scope, all-modes PRA), specific comments on the proposed rule language, and specific comments on the SOC language (for the proposed rule).

NEI has provided many specific examples of where the SOC and the rule language are inconsistent and has provided, in Attachment 4, suggestions for redrafting the SOC. In general, the specificity cited in the SOC is indicative of not fully embracing the value of risk-informed regulation. The goal is to concentrate safety and resource attention on those components and

activities that significantly contribute to the risk profile and deemphasize those that do not (e.g., RISC-3 SSCs). The tone of the SOC is still too prescriptive and burdensome for RISC-3 SSCs that have been shown to be not safety significant.

The second issue, on PRA capability, is also related to the question asked in Section VI.2.1 of the Federal Register Notice, whether the Commission should amend the requirements of 10 CFR 50.69 (c) to require a "level 2 internal and external initiating events, all-modes, peer-reviewed PRA that must be submitted to, and reviewed by, the NRC." Such a requirement is unnecessary and imposes a needless burden on the licensee. Also, the need of a full scope PRA is contrary to the philosophy that was used to create the robust categorization process in NEI 00-04. In addition to the numerous issues associated with the availability of such a model, how such a PRA can be peer reviewed (without consensus standards available), and the resources required by both the industry and the NRC, the NEI 00-04 categorization process explicitly accounts for different PRA capabilities, and is a multi-layer process of which the PRA is just one input. Thus, a requirement for a full scope, all-modes PRA is not necessary to successfully pursue 10 CFR 50.69. This is discussed in greater detail in Attachment 2 of NEI's comment letter.

Questions regarding these comments should be addressed to Stanley Levinson (434-832-2768, Stanley.Levinson@framatome-anp.com).

Very Truly Yours,



James F. Mallay, Director
Regulatory Affairs

cc: B. Bradley (NEI)
D. G. Holland
Project 728