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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATTN: Rulemakings and Adjudications Staff
Secretary
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Comments on the Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements; Proposed Rule (70 FR 67598) (RIN 3150-AH29)

Ladies and Gentlemen:

On November 7, 2005, the NRC published in the Federal Register (70 FR 67598) a request for comments. Progress Energy endorses the comments provided separately by the Nuclear Energy Institute (NEI) and provides the following additional comments.

1. The proposed § 50.46a(b) should be revised to permit the application of the § 50.46a alternative requirements to future reactors, provided that doing so adversely impacts neither the design certification of future light water reactors nor the scheduled implementation of this proposed rule. (III.J.1)
2. Based on the results of the NRC evaluation of the likelihood of seismically-induced LOCAs, it seems reasonable for the proposed rule to not include an adjustment to the Transition Break Size to address the effects of seismically-induced LOCAs. (III.J.2)
3. Progress Energy supports NEI's comment that plant-specific assessments of seismically-induced pipe breaks should not be required. Also, because inspection and repair are an integral part of plant operations, plant-specific assessments of seismically-induced pipe breaks, which would not be prejudiced by implementation of such programs, would be very difficult to perform. More technically valid piping failure probabilities might be obtainable through an extensive research program, but whether this would provide additional risk-insights is questionable. (III.J.3)
4. Progress Energy supports NEI's comments concerning not incorporating the risk-informed change processes of § 50.46a into §§ 50.59 and 50.90. Also, with respect to the specific language in § 50.46a(f)(4), "Requirements for risk assessment—PRA," the inclusion of "all modes of operation" seems inconsistent with the "at-power operating conditions" discussed under Section III.C.3, "Plant Operational Requirements Related to ECCS Analyses." (III.J.5)
5. While agreeing with NEI's comment that it may be premature to attempt to centralize PRA requirements, Progress Energy believes that the NRC should work toward consolidating all PRA requirements into a single location in the regulations to promote consistency and to avoid the potential for divergent requirements on common processes and tools. (III.J.6)

Template = SECY-067

SECY-02

United States Nuclear Regulatory Commission
PE&RAS-06-011
Page 2 of 2

6. Consideration for security concerns should be included in the consideration of safety concerns to avoid possible negative effects caused by these sometimes competing objectives. However, to simplify the process and maintain consistency, the safety and security interface should be addressed more globally by the separate rulemaking now being considered by the NRC. (III.J.8)
7. The proposed rule would be difficult to inspect because it overlaps with many existing regulatory requirements. Also, certain aspects of the rule should be clarified, for example: 1) whether or not the requirement to complete a PSA update at least every two cycles includes updating the Level II PSA and the shutdown and transition modes models, and 2) tracking changes for items such as one-time Allowed Outage Time (AOT) extensions or temporary modifications in which the risk increase should drop off of the list once the change was removed or the one-time AOT completed. The rule appropriately includes language like "reasonable balance," which requires a knowledgeable individual to exercise judgment. That judgment needs to be informed by appropriate guidance documents, such as Regulatory Guide (RG) 1.200. (III.J.10)
8. "Bundling" is essential for meeting the objectives of this proposed rule, which concerns the overall plant risk. Bundling provides management with the necessary flexibility to reallocate resources for implementation of the alternative requirements. (III.J.11)
9. With regard to III.J.14, Progress Energy agrees with NEI's comment that the emphasis should be on sound risk management of the plant configuration. However, the inconsistency among licensees created by the order for implementation of § 50.46a relative to other risk-informed applications could be resolved by allowing licensees the option of reestablishing the baseline and removing the changes from tracking. (III.J.14)

Please contact me at (919) 546-4579 if you have any questions.

Sincerely,



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HAS



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Comments: