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FPL

March 15, 2006

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DOCKET NUMBER
PROPOSED RULE 50
(70FR 67598)

L-2006-076

DOCKETED
USNRC

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

March 15, 2006 (2:32pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATTN: Rulemakings and Adjudications Staff

SUBJECT: Comments on Proposed Rule 10 CFR Part 50, RIN 3150-AH29,
Risk-Informed Changes to Loss-of-Coolant-Accident Technical Requirements (70 Federal Register 67598, November 7, 2005)

- REFERENCES: 1) A. Pietrangelo (NEI) to USNRC, dated March 1, 2006, "Comments on Proposed Rule 10 CFR Part 50, RIN 3150-AH29, *Risk-Informed Changes to Loss-of-Coolant-Accident Technical Requirements (70 Federal Register 67598, November 7, 2005)*"
- 2) J. Conen (BWROG) to USNRC, dated March 6, 2006, "Comments on Proposed Rule, *Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements, 70 FR 67598*"
- 3) T. Schiffley (WOG) to USNRC, dated March 8, 2006, "*RIN 3150-AH29, Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements, Westinghouse Owners Group Comments on Draft Rule Change, (MUHP-3062)*"

Florida Power & Light Company (FPL), FPL Energy Seabrook, LLC and FPL Energy Duane Arnold, LLC appreciate the opportunity to comment on the subject rulemaking. This rulemaking marks an important step in the continuing efforts to apply risk insights into the regulatory process. Because of its importance in setting the stage for future risk-informed changes to the technical requirements in 10 CFR Part 50, FPL encourages the Staff to work closely and openly with the industry and to capture the "lessons learned" from the previous voluntary risk-informed rulemaking on Special Treatments Requirements (10 CFR 50.69).

In addition to endorsing the industry comments submitted in the referenced letters, FPL provides the following comments on the proposed rule.

The central premise of the proposed rule is good; that overall plant safety would be improved by the application of resources to more risk-significant plant events than the current design basis large break loss-of-coolant accident (LBLOCA). However, as currently drafted, the additional regulatory burdens imposed by the Risk-Informed Integrated Safety Assessment Process (RISP) are impractical to implement. This includes the additional operational constraints placed upon the equipment credited to mitigate this new "beyond design basis" LBLOCA that preclude the current flexibility for performing on-line maintenance under 10 CFR 50.65. FPL also believes that the

L-2006-076
Page 2 of 2

transition break size (TBS) for defining the new "beyond design basis" LBLOCA is too conservative. In its current form, FPL would not be inclined to implement the voluntary rule.

We encourage the Staff to continue to work with NEI and the various Owners' Groups to resolve these problems with the current draft rule language, so that ultimately licensees will want to adopt this voluntary rule and take advantage of the potential safety benefits originally envisioned by the Commission in SECY-98-300, "Options for Risk-Informed Revisions to 10 CFR Part 50 – Domestic Licensing of Production and Utilization Facilities."

Sincerely,

for 
J. A. Stall
Senior Vice President, Nuclear and
Chief Nuclear Officer