



Progress Energy

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Annette L. Vietti-Cook, Secretary
United States Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemaking and Adjudications Staff

SUBJECT: Comments on Proposed Rule, "Licenses, Certifications and Approvals for Nuclear Power Plants," 71 Fed. Reg. 12,782 (Mar. 13, 2006) (RIN 3150-AG24)

Dear Ms. Vietti-Cook:

Progress Energy is pleased to submit comments on the subject proposed rule. Progress Energy also wishes to commend the Commission and NRC staff on their efforts to enhance the regulatory framework for licensing new nuclear units. Additional improvements however, are necessary to further assure a sound and predictable regulatory framework.

Progress Energy has worked closely with the Nuclear Energy Institute (NEI) Combined Operating License Task Force (COLTF) to review and comment on the proposed rule. Progress Energy personnel also actively participated in the NRC staff's Part 52 rulemaking workshop on March 14, 2006, and the follow-up workshop on April 18, 2006.

Based on our review of the proposed rule, Progress Energy endorses the comments submitted by NEI on behalf of the nuclear industry via letters dated May 16, 2006, May 25, 2006, and May 30, 2006. NEI comments of particular interest to Progress Energy propose enhancements in the following three areas.

- **Preconstruction Activities / Limited Work Authorizations (LWA):** The changes proposed in NEI's May 25, 2006, letter are very important to Progress Energy because they could accelerate a plant's construction completion date by more than a year. Specifically, existing constraints on pre-construction activities that are not safety-related (LWA-1 activities) are not required by existing statutes. Therefore, LWA-1 activities should not require NRC authorization. Also, the authorization of certain limited pre-construction activities that have a nexus to nuclear safety (LWA-2 activities) should not have to await the issuance of a final environmental impact statement. Progress Energy strongly endorses NEI's proposed changes in this area and believes that the proposed changes are consistent with statutory requirements.
- **Design Certification Rule:** The change proposed in NEI's May 30, 2006 letter (Enclosure 1, Comment 6) to allow amendment of the final design certification will simplify combined operating license (COL) applications, reduce NRC staff resource burden, and better assure standardization across the nuclear fleet. Progress Energy believes that this change is essential to achieve the Commission's "Design Centered" approach to multiple applications for the same design.

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- **Licensing / Hearing Processes:** The enhancements proposed in NEI's May 25, 2006, letter would make the licensing / hearing processes more effective and efficient as well as provide increased stability and predictability to those processes. Proposed enhancements to the inspections, tests, analyses, and acceptance criteria (ITAAC) hearing process (10 CFR 52.103) are of particular interest to Progress Energy because they would further assure regulatory predictability during the transition from construction to operation.

Progress Energy is currently developing COL applications, with the submittal of the first application targeted for the fourth quarter of 2007, and desires a stable regulatory framework in which to prepare and submit these applications. The incorporation of the comments and enhancements as submitted by NEI on behalf of the industry will further enhance stability and significantly improve the regulatory framework surrounding new plant licensing. In this regard, Progress Energy will continue to work diligently with the NRC through the NEI COLTF to achieve this end.

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

Sincerely,



Brian McCabe
Supervisor - Regulatory Affairs

DBM

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Date: Wed, May 31, 2006 10:08 AM
Subject: Progress Energy Comments on Proposed Rule, "Licenses, Certifications and Approvals for Nuclear Power Plants," 71 Fed. Reg. 12,782 (Mar. 13, 2006) (RIN 3150-AG24)

<<05-30-06 PGN Comment Letter on Part 52 NOPR.pdf>>

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