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Subject: PWROG Comments on Draft Final Rule Language, “Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements,” (MUHP-3062)

The PWROG appreciates the opportunity to review the October 3, 2006 draft of the 10 CFR Part 50.46 rule change. We would like to offer a comment regarding the proposed requirement for configuration control.

As prescribed in Section (d)(2) of the October 3, 2006 draft of 10 CFR 50.46a, the plant configuration would be controlled by permitting a licensee to operate in a configuration that does not meet the rule’s acceptance criteria for breaks larger than the transition break size (TBS) for not more than seven days. We understand that the NRC staff is currently planning to replace the seven-day limit with a 14-day limit.

The industry, including the PWROG, has expressed a concern regarding this operational restriction in previous interactions with the staff, including our comments on the November 7, 2005 draft of the rule. A key part of the issue with this aspect of the rule is that it is essentially a limiting condition for operation (LCO) that is contained in the regulation. LCOs are more appropriately included in the Technical Specifications rather than the regulations. These LCOs are approved by the NRC staff and are enforceable as Appendix A to the plant’s operating license. The regulatory advantage for both the licensee and the NRC is that a Technical Specification LCO can be tailored to the plant specific application of 10 CFR 50.46a.

The PWROG believes that either a prescriptive seven-day or 14-day limit in the regulation is apt to unnecessarily complicate what should be a well-established and understood Technical Specification compliance process, particularly with respect to the Risk-Management Technical Specification (RMTS) initiatives. For example, there is a potential for the time limit contained in the regulation to conflict with the Risk-Informed Completion Time (RICT) that would be calculated for the ECCS in the application of RMTS Initiative 4b. If a plant implementing both the 50.46a rule change and RMTS Initiative 4b were to choose to credit two (out of two) trains of low pressure safety injection (LPSI) to mitigate a beyond TBS loss of coolant accident (LOCA), and subsequently, one train of LPSI became unavailable, the RICT calculated for this configuration would probably be greater than the time limit contained in the rule, even though the risk from breaks larger than the TBS would have almost no contribution to the overall risk

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that determined the RICT. RMTS Initiative 4b establishes a limit of 30 days for the RICT (i.e., a “backstop”), after which the plant must take the Technical Specification Action for “the Required Action and associated Completion Time not met” (typically a shutdown requirement). If the 50.46a rule language includes a prescriptive limit, then that limit would prevail, thus defeating the purpose of the risk-informed Technical Specifications, with no commensurate safety benefit. Additionally, the operational restriction would lead to poor risk management under 50.65(a)(4). The artificial emphasis on mitigation of a low frequency initiator would not comport with the intent of (a)(4) to focus plant resources on more risk significant activities. As resources are finite, this would essentially mean less focus on the more risk significant activities.

In order to prevent a conflict between the Technical Specifications and the regulations, the PWROG recommends that the NRC consider replacing the prescriptive time limit with either of the following two approaches.

1. To ensure that operation in a configuration not demonstrated to meet the acceptance criteria in paragraph (e)(4) is appropriately limited for LOCAs larger than the TBS, the licensee will propose appropriate controls, commensurate with the application of 50.46a.
2. Set the limit at 30 days to be consistent with the “backstop” Completion Time included in RMTS Initiative 4b.

The PWROG believes that approach #1 above is most appropriate given the low risk associated with beyond TBS breaks and the potential conflict of specifying a Completion Time in the regulations that is different than one that is contained in the Technical Specifications. However, recognizing the value of simple rule language, approach #2 would also be acceptable. Whichever approach is chosen, the configuration risk management required by 50.65(a)(4) of the maintenance rule will ensure that the overall risk is appropriately assessed and managed.

The PWROG continues to believe that 10 CFR 50.46a is an important part of risk-informed regulation. We believe that there has been a great deal of thought and effort expended to assure the rule is implementable and useful and we look forward to a final rule in 2007.

If you have any questions or require additional information, please contact Wayne Harrison at (361) 972-7298 or Bob Jaquith at (860) 731-6447.

Sincerely yours,



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Pressurized Water Reactor Owners Group

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