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DOCKETED
USNRC

October 27, 2009 (4:00pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Serial: RA-09-015
October 27, 2009

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Subject: RIN 3150-AH42, Comments on Advance Notice of Proposed Rulemaking for Performance-Based Emergency Core Cooling System Acceptance Criteria 74 FR 40765 (August 13, 2009).

Progress Energy is pleased to endorse the comments submitted on the subject proposed rulemaking by the Nuclear Energy Institute (NEI) in their letter dated October 26, 2009.

In addition, we offer the following for your consideration.

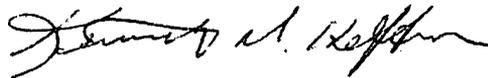
1. The proposed rulemaking increases the probability of additional written reports that would have to be submitted to the Nuclear Regulatory Commission (NRC).
 - a. The Corrective Action Program is used upon discovery of new information that potentially impacts compliance with 10 CFR 50.46. This information is accessible to NRC resident inspectors. NRC inquiry can be conducted real time versus after the fact when a written report would be submitted. Therefore the additional reporting burden that consists solely of restating compliance with regulatory limits is a burden that does not have a corresponding safety benefit.
 - b. We support the relaxation of the peak clad temperature (PCT) reporting requirements for changes that result in PCT remaining below 2090° F.
 - c. If a Cathcart-Pawel – Equivalent Cladding Reacted reporting requirement is added, it should require reporting only when the limit is approached and not be based on incremental changes from previous analyses.
2. With regard to proposed implementation schedule:
 - a. The timeline for the proposed implementation must recognize the significant role that the NRC plays in implementation. To the extent that the facility's Technical Specifications do not list a specific revision of the evaluation model topical

report(s), a separate submittal by a licensee should not be required as a condition of compliance with the rule change.

- b. Compliance with the rule change should be on a facility by facility basis. Planning for fuel design and operating strategy changes is necessarily a long, methodical process to ensure that high standards for fuel performance are maintained. Since the proposed rule potentially will have more impact on once-burned fuel, achieving compliance may be a multi-fuel-cycle process. Facilities on two year fuel cycles may require additional time to achieve full compliance. The implementation phase should give licensees two fuel operating cycles after the NRC approves the vendor methodology changes.

Please contact Dean Tibbitts at (919) 546-7253 if you have any questions.

Sincerely,



Kenneth M. Heffner
Lead Engineer – Nuclear Regulatory Affairs

KMH

Rulemaking Comments

From: Heffner, Ken [ken.heffner@pgnmail.com]
Sent: Tuesday, October 27, 2009 1:47 PM
To: Rulemaking Comments
Cc: Tibbitts, Dean; jhr@nei.org; CLEFTON, Gordon
Subject: Progress Energy Comments on Proposed Rulemaking RIN 3150-AH42
Attachments: Document.pdf

Progress Energy is pleased to submit the attached comments on the subject proposed rulemaking for your consideration.

Sincerely,

Kenneth M. Heffner
Lead Engineer
Progress Energy
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(148.184.200.145) with Microsoft SMTP Server id 8.1.393.1; Tue, 27 Oct 2009
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Thread-Index: AcpXLXIKKhBQV3TrT/2+VBYiLGLFtw==
From: "Heffner, Ken" <ken.heffner@pgnmail.com>
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CC: "Tibbitts, Dean" <Dean.Tibbitts@pgnmail.com>,
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Return-Path: ken.heffner@pgnmail.com