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PROPOSED RULE PR 50
(68FR 26511)

July 30, 2003 (4:05PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Madam:

The Illinois Emergency Management Agency (IEMA) hereby submits public comments on the proposed rulemaking concerning 10CFR50.69 dealing with the special treatment of nuclear power plant components. For your information, on July 1, 2003, the former Illinois Department of Nuclear Safety (IDNS) was merged into the IEMA. The combined agency is responsible for nuclear safety and emergency preparedness for the State of Illinois. The Department appreciates the opportunity to submit comments on this proposed rulemaking.

IEMA recognizes that this proposed rulemaking is one of two major components of the industry and NRC effort to risk-inform 10CFR50 (RIP 50). As such, it has the potential to transform how NRC regulates, and would be a major licensing action for licensees. We have been in favor of progressing to a risk and performance based regulatory structure from the beginning, however, the success of maintaining adequate safety in this process rests with the rigor of the categorization process, and the quality of the PRA used to support the required analyses. Otherwise, potential exists for non-trivial reductions in reactor safety margins.

The review of this proposed rule caused us to also review DG-1121 *Guidelines for Categorizing SSCs in Nuclear Power Plants According to Their Safety Significance*, draft revision C of NEI 00-04 *10CFR50.69 SSC Categorization Guidance*, and DG-1122, *An Approach for Determining the Technical Adequacy of PRA Results for Risk-Informed Activities*. Due to this, some comments apply to these documents as well. Since this proposed categorization process has been in the works for a long time, and the concept was refined by the South Texas Project exemption process and pilot studies, it is disappointing that in DG-1121, in which NRC wishes to endorse NEI 00-04, there are so many significant exceptions, clarifications, and differences of opinion. IEMA urges that these differences be resolved, and guidance be submitted for public comment again before it is issued in final form and Part 50.69 licensee amendment applications are accepted.

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In regard to PRA quality, we have consistently commented, as risk-informing efforts evolved, that NRC should require rigorous and current probabilistic risk assessments (PRA) of all licensees, in keeping with the PRA policy statement. We are encouraged to hear Commissioner McGaffigan begin to speak for requiring PRAs of licensees. We continue to support that recommendation.

In DG-1122 it says that if an application is designed around using the acceptance guidelines of RG 1.174, which Part 50.69 proposed to do, the evaluations of core damage frequency, and large early release frequency, should be performed with a full scope PRA, including external events and all modes of operation. We agree with that assessment. In addition, NRC states they believe that current state-of-the-art PRA methods are available to quantitatively address this full spectrum, and it is desirable for licensees to use such broad-scope PRAs. We also agree with this.

DG 1122 acknowledges that most PRAs do not address this full scope, and decision makers must make allowances for omissions. Such is the case with the proposed Part 50.69 rulemaking, where the rule language, and NEI 00-04 would only require internal-events PRA. DG 1122 goes on to say that NEI 00-04 allows non-PRA type evaluations that will be evaluated deterministically on their merit. However, in an appendix to DG-1121, NRC staff says they interpret NEI's reference to a licensee's "PRA" to refer to a spectrum of analyses covering the range of initiating events and operating modes.

It is apparent that extremely important aspects of RIP 50 are being proposed without decisions having been made on the level of quality the primary risk documents should have. The PRA policy statement uses the words state-of-the-art regarding PRA applications. IEMA still believes that state-of-the-art PRAs should be required before major RIP 50 licensing actions or regulatory changes are made.

In a related matter, since all but the safety analysis (a)(4) requirement of the maintenance rule could be pre-empted by this proposed rule, we believe that RISC-1, 2, and 3 SSC reliability data should be required to be fed back into the PRA, as part of an update process. This would validate assumptions used in the PRA and the categorization process.

As the proposed rule is performance-based, it is not very enforceable. Once the license amendment is issued, SSC failures go into a corrective action program, which is a crosscutting issue in the revised reactor oversight process. The Part 50.69 license

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amendment approval process approves the methodology of categorization and PRA adequacy, but does not inspect the adequacy of the actual categorization. Therefore, we believe inspecting a sampling of RISC-3 SSC failures for adequate categorization and corrective action should be made part of Problem Identification and Resolution baseline inspections. This check would assure the integrity of the categorization and treatment of a failed SSC.

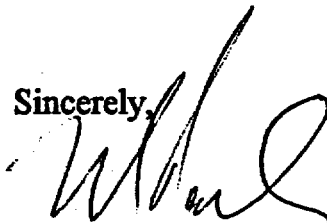
In DG-1121, NRC states that it is not satisfactory for a multi-disciplined station management review committee to act as a surrogate for the Integrated Decision-making Panel (IDP), and authorize categorization changes once the initial categorization is completed. We agree that continuity of rigor and consistency is important to the long-term success of Part 50.69. As members of the IDP will not be around forever, we think the NRC should give licensees guidance on acceptable options for maintaining this continuity.

In regard to the NRC request for comments on including additional wording, IEMA believes the extra wording provides some amount of clarity to the intent of the rule. If the wording is not included in the rule language, then it should be included in the statement of considerations, guidance documents, or standard review plans.

Finally, as emergency preparedness is a function of IEMA, and a major component of defense-in-depth, we believe that equipment necessary for evaluating emergency action levels, classifying accidents, and reporting them to off-site officials, deserve some attention in the categorization scheme, and perhaps some special treatment. We recommend the categorization process include criteria for assessing SSCs that support emergency preparedness functions. These likely would not be analyzed in a PRA.

We again thank the NRC for the opportunity to submit comments on this most important piece of the transition to risk and performance-based regulation. If further clarification is desired, or questions arise about the intent of the comments, please contact me at (217) 785-9868.

Sincerely,



Michael C. Parker, Manager
Office of Nuclear Facility Safety

NH/MCP/tlc