

Exelon Generation
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DOCKET NUMBER
PROPOSED RULE PR 50
(68FR 26511)

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August 29, 2003

September 9, 2003 (10:54AM)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attention: Rulemakings and Adjudications Staff

Subject: Comments on Notice of Proposed Rulemaking for 10CFR50.69
*Risk Informed Categorization and Treatment of Structures,
Systems and Components for Nuclear Power Reactors* (68 Federal
Register 25411, May 16, 2003)

Dear Sirs:

Exelon Corporation provides the comments herein on the Federal Register notice inviting public comments on the proposed 10CFR50.69. This rule offers an unprecedented opportunity to focus efforts of licensees on structures, systems and components with demonstrable safety significance.

Exelon has participated in the review of the proposed rulemaking sponsored by the Nuclear Energy Institute for its members. Exelon strongly endorses the comments provided to the U.S. Nuclear Regulatory Commission by NEI in its letter dated August 22, 2003, signed by Anthony R. Pietrangelo.

Exelon specifically wishes to reinforce two major issues highlighted in the NEI letter. First, as a licensee examining the potential implementation of the rule, Exelon is apprehensive regarding the successful implementation of the rule. This apprehension exists because of the language of the rule and the failure of the statements of consideration to provide a consistent context for the rule. Exelon believes that the NEI rule language suggestions for improvement will substantially ease both the implementation and enforcement of the rule and Exelon urges the Commission to adopt those suggestions.

The statements of consideration pose a considerable problem because they are internally inconsistent, present points of view instead of a factual and technical basis for the rule, and contain detailed guidance for implementation, information not appropriate to statements of consideration. Exelon's view is that the statements of consideration roll back progress achieved in the last two years in working through the South Texas Project exemption request and various industry pilot efforts under auspices of owners' groups. Exelon endorses the NEI recommendation (Attachment 4 to the August 22, 2003 letter) to convene public meetings to address the content of the statements of consideration.

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The second major issue relates to PRA capability and scope. Exelon believes that the work between NRC staff and industry that led to the draft 50.69 was conducted within the context of existing PRA's, albeit with selected upgrades depending upon the nature of the application. The suggestion that an "all modes PRA" may be required would significantly dampen the enthusiasm of Exelon (and, we suspect, other licensees) for moving forward with this option, simply because the potential benefits are unlikely to outweigh the costs. Exelon believes that it is not yet practical to create such a PRA. The NEI letter, Attachment 2, provides a well-reasoned description of why current PRA approaches are sufficient.

If you have any questions on the above, please contact me at (630) 657-3757 or bill.bohlke@exeloncorp.com.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. Bohlke', with a long horizontal flourish extending to the right.

William H. Bohlke
Senior Vice President