



FPL

Florida Power &amp; Light Company, 700 Universe Boulevard, P.O. Box 14000, Juno Beach, FL 33408-0420

March 15, 2006

14

**DOCKET NUMBER**  
**PROPOSED RULE** **50**  
**(70FR 67598)**

L-2006-076

DOCKETED  
USNRC

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

March 15, 2006 (2:32pm)

ATTN: Rulemakings and Adjudications Staff

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

SUBJECT: Comments on Proposed Rule 10 CFR Part 50, RIN 3150-AH29,  
*Risk-Informed Changes to Loss-of-Coolant-Accident Technical  
Requirements (70 Federal Register 67598, November 7, 2005)*

REFERENCES: 1) A. Pietrangelo (NEI) to USNRC, dated March 1, 2006, "Comments on  
Proposed Rule 10 CFR Part 50, RIN 3150-AH29, *Risk-Informed  
Changes to Loss-of-Coolant-Accident Technical Requirements (70  
Federal Register 67598, November 7, 2005)*"

2) J. Conen (BWROG) to USNRC, dated March 6, 2006, "Comments  
on Proposed Rule, *Risk-Informed Changes to Loss-of-Coolant  
Accident Technical Requirements, 70 FR 67598*"

3) T. Schiffley (WOG) to USNRC, dated March 8, 2006, "*RIN  
3150-AH29, Risk-Informed Changes to Loss-of-Coolant Accident  
Technical Requirements, Westinghouse Owners Group Comments  
on Draft Rule Change, (MUHP-3062)*"

Florida Power & Light Company (FPL), FPL Energy Seabrook, LLC and FPL Energy  
Duane Arnold, LLC appreciate the opportunity to comment on the subject rulemaking.  
This rulemaking marks an important step in the continuing efforts to apply risk insights  
into the regulatory process. Because of its importance in setting the stage for future  
risk-informed changes to the technical requirements in 10 CFR Part 50, FPL encourages  
the Staff to work closely and openly with the industry and to capture the "lessons  
learned" from the previous voluntary risk-informed rulemaking on Special Treatments  
Requirements (10 CFR 50.69).

In addition to endorsing the industry comments submitted in the referenced letters, FPL  
provides the following comments on the proposed rule.

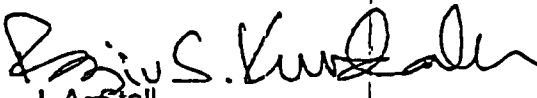
The central premise of the proposed rule is good; that overall plant safety would be  
improved by the application of resources to more risk-significant plant events than the  
current design basis large break loss-of-coolant accident (LBLOCA). However, as  
currently drafted, the additional regulatory burdens imposed by the Risk-Informed  
Integrated Safety Assessment Process (RISP) are impractical to implement. This  
includes the additional operational constraints placed upon the equipment credited to  
mitigate this new "beyond design basis" LBLOCA that preclude the current flexibility for  
performing on-line maintenance under 10 CFR 50.65. FPL also believes that the

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transition break size (TBS) for defining the new "beyond design basis" LBLOCA is too conservative. In its current form, FPL would not be inclined to implement the voluntary rule.

We encourage the Staff to continue to work with NEI and the various Owners' Groups to resolve these problems with the current draft rule language, so that ultimately licensees will want to adopt this voluntary rule and take advantage of the potential safety benefits originally envisioned by the Commission in SECY-98-300, "Options for Risk-Informed Revisions to 10 CFR Part 50 – Domestic Licensing of Production and Utilization Facilities."

Sincerely,

*for*   
J. A. Stall  
Senior Vice President, Nuclear and  
Chief Nuclear Officer