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RULEMAKINGS AND  
ADJUDICATIONS STAFF

D. R. Woodlan, Chairman  
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P.O. Box 1002, Glen Rose, Texas 76043

Ref: RIN 3150-AH81  
71 FR 26267  
Dated May 4, 2006

CPSES-200601653  
STARS-06018  
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Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)  
COMMENTS ON ADVANCED NOTICE OF PROPOSED RULEMAKING  
Approaches to Risk-Informed and Performance-Based  
Requirements for Nuclear Power Plants  
(RIN 3150-AH81, 71 FR ,  
Dated May 4, 2006)**

Dear Sir or Madam:

The Strategic Teaming and Resource Sharing (STARS)<sup>1</sup> Alliance appreciates the opportunity to provide comments on the advanced notice of proposed rulemaking, "Approaches to Risk-Informed and Performance-Based Requirements for Nuclear Power Plants." The Alliance supports the proposed rule because the new regulation will focus on true safety significance and eliminate burdensome requirements with no value added. Comments on the proposed rule and guidance document are provided in the attachment to this letter.

STARS appreciates the opportunity to comment on this proposed rule and guidance document. If there are any questions regarding these comments, please contact me at 254-897-6887, or dwoodl1@txu.com, or Carl Corbin at 254-897-0121, or ccorbin1@txu.com.

Sincerely,

D. R. Woodlan, Chairman  
Integrated Regulatory Affairs Group  
STARS

Attachment

<sup>1</sup> STARS is an alliance of six plants (eleven nuclear units) operated by TXU Power, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company.

The STARS Alliance respectfully submits the following comments:

General Comments

STARS supports the NRC’s efforts to improve the safety focus of its regulations by establishing 10 CFR Part 53, a comprehensive set of risk-informed and performance-based requirements applicable for all nuclear power reactor technologies as an alternative to the current 10 CFR Part 50 requirements. Most of the rules, regulations, and regulatory processes that govern plant design and operation were developed in the 1960’s, when conservative assumptions were necessary to bound uncertainties due to the lack of operating experience and modern analytical tools. The advent of probabilistic risk analysis, together with four decades of operating experience and data, provide the technical foundation for the proposed risk-informed and performance-based regulation. However, based on industry experience with risk-informed initiatives for the current regulations, there are significant concerns. Specific comments are provided below.

Additionally, later this year STARS will support and provide comments through the ongoing efforts of the Nuclear Energy Institute and industry owner groups.

Specific Comment No. 1 (interest of existing licensees in using alternative regulations)

71 FR 26268, Section “Specific Considerations / A. Plan / Item 4,” states:

*“Would existing licensees be interested in using risk-informed and performance-based alternative regulations to 10 CFR Part 50 as their licensing basis? If not, why not? If so, please discuss the main reasons for doing so.”*

10 CFR Part 53 regulations that meet principals of a risk-informed, performance-based (RI, PB) rules would be of interest to existing licensees. Such regulations, when correctly developed, such as risk-informed Inservice Inspection, would focus the NRC and utility resources on issues that would enhance safety and reduce burdensome prescriptive requirements. Effective RI, PB rules do not simply add additional requirements to the existing prescriptive requirements. In recent years, both the NRC and the utilities have invested significantly in developing risk tools and methodologies to improve safety and focus limited resources. This investment will potentially continue with applications like MSPI, risk-informed inspections, risk-informed fire protection program, and new Regulatory Guides. Therefore, a comprehensive regulation which would allow the NRC, the public, and utilities enjoy the benefits of this investment would be welcomed. Such regulations would result in the addition of new safety focused risk-informed requirements and provide relaxation on treatment of current low risk prescriptive requirements. Approval and implementation of Risk Informed Completion Times would be an example of a good risk-informed, performance-based regulation.

Specific Comment No. 2 (relationship between proposed Part 53 and existing Part 50 / Part 52)

- a. The new alternate regulations should incorporate risk-informed, performance-based regulations and approaches, which have already been approved and/or are currently implemented at existing plants, without increasing the time required for Combined Operating License (COL) approvals.
- b. The relationship between the proposed Part 53 and the existing Part 50 / Part 52 should be addressed.
- c. As noted above in the general comments STARS supports the new Part 53 being a risk-informed / performance-based regulation. Part 52 should be risk informed instead of deterministic based regulations which are “risk informed” later. A significant increase in burden will occur for both utilities and regulators if the traditional petitioning process for risk-informing regulations that has been used for current plants (Part 50) must be repeated for new plants (Part 52).
- d. The new process should consider combining the deterministic Part 52 COL approach and the risk-informed Part 53 approach into a streamlined review process with a shorter COL approval time.