

February 23, 2004

NOTE TO: Brian W. Sheron, Associate Director  
Project Licensing and Technical Analysis  
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John W. Craig, Associate Director  
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Office of Nuclear Reactor Regulation

FROM: Mark. P. Rubin, Section Chief **/RA/**  
Safety Program Section  
Probabilistic Safety Assessment Branch  
Division of Systems Safety and Analysis  
Office of Nuclear Reactor Regulation

SUBJECT: NON-CONCURRENCE IN SECY ON POLICY DIRECTION FOR RESOLUTION  
OF TECHNICAL ISSUES ASSOCIATED WITH PROPOSED RULEMAKING TO  
RISK-INFORM REQUIREMENTS RELATED TO EMERGENCY CORE  
COOLING LARGE BREAK LOSS-OF-COOLANT ACCIDENT (LBLOCA) BREAK  
SIZE

I have not concurred on the above referenced Commission Paper associated with the LBLOCA redefinition. While I am very much in favor of the ongoing activity to risk-inform the LBLOCA definition and was one of the principle authors of the Commission Paper, late changes to some sections of the proposed Commission Paper reduced or eliminated insights that the technical staff had developed related to the potentially significant impacts on plant safety from the redefinition, if several technical challenges are not overcome. I believe that these insights should be available to the Commission for their consideration while preparing guidance to the staff for implementation of the redefined LBLOCA and associated 50.46 rulemaking.

I firmly believe that the redefinition of LBLOCA associated with the requirements of 10 CFR 50.46, can be successfully developed and implemented in a risk-informed manner that improves the effectiveness and efficiency of LBLOCA rule requirements. This is however, the first risk-informed initiative, that could potentially have significant impacts on plant mitigative capability for beyond design-basis accidents. Therefore, I recommend that the technical challenges be highlighted in a more direct manner than is done in the current version of the Commission Paper.

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Specific changes that form the basis of my non-concurrence include:

Specific change 1:

*This paper seeks Commission direction on the scope and approach for the proposed rule on LOCA redefinition, so that the staff can develop the appropriate technical basis to support the rule, in light of the technical issues discussed in this paper. The paper also includes other areas in which additional policy guidance is being sought from the Commission (Attachment 1). With resolution of these technical issues, the staff concludes that a large break LOCA redefinition rule can be effectively implemented in a manner that maintains safety.*

Was changed to read:

*This paper seeks Commission direction on the scope and approach for the proposed rule on LOCA redefinition, so that the staff can develop the appropriate technical basis to support the rulemaking.*

The above change eliminates the insight that technical issue resolution is needed before a proposed LBLOCA rule can be developed that maintains safety.

Specific change 2:

*Through the staff's evaluation of the staff requirements memorandum (SRM) direction, possible rulemaking approaches, available technical information and stakeholder input, we have identified a number of technical issues that need to be resolved to ensure that the new rulemaking for LBLOCA redefinition does not result in an undesirable reduction in plant safety.*

Was changed to read:

*Through the staff's evaluation of the SRM direction, possible rulemaking approaches, available technical information and stakeholder input, we have identified a number of policy and technical issues that need to be resolved to ensure that the new rulemaking for LBLOCA redefinition does not result in unintended consequences.*

Characterizing the staff concern as one of "unintended consequences" greatly reduces the significance of the issues which were described as the potential for "~~undesirable reduction in plant safety~~," and again understates the importance of technical issue resolution before an adequate rule can be developed.

Specific change 3:

*Implementation of a redefinition of LBLOCA, absent additional requirements or limitations, could result in unacceptable reductions in safety.*

B. Sheron  
J. Craig

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Was changed to read:

*Implementation of a redefinition of LBLOCA, is likely to result in changes to the plant with respect to response to large break LOCA that would also affect response to other initiating events, and thus to the overall risk of the plant.*

This change minimizes the potential for reductions in safety unless appropriate additional limitations and requirements are identified for the LBLOCA redefinition. Characterizing the issue as impact on “overall risk to the plant” understates the potential for safety impact.

cc: S. Black  
M. Johnson  
M. Tschiltz

B. Sheron  
J. Craig

3

Was changed to read:

*Implementation of a redefinition of LBLOCA, is likely to result in changes to the plant with respect to response to large break LOCA that would also affect response to other initiating events, and thus to the overall risk of the plant.*

This change minimizes the potential for reductions in safety unless appropriate additional limitations and requirements are identified for the LBLOCA redefinition. Characterizing the issue as impact on "overall risk to the plant" understates the potential for safety impact.

cc: S. Black  
M. Johnson  
M. Tschiltz

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