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PETITION RULE PRM 54-1
(65 FR 42305)

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Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

September 22, 2000

Ms. Annette Vietti-Cook
Secretary of the Commission
ATTN: Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Ms. Vietti-Cook:

NUCLEAR REGULATORY COMMISSION (NRC) - TENNESSEE VALLEY AUTHORITY (TVA) COMMENTS ON THE PETITION FOR RULEMAKING, PRM-54-1, BY THE UNION OF CONCERNED SCIENTISTS (UCS) TO AMEND NRC REGULATIONS TO REQUIRE RADWASTE SYSTEMS TO BE INCLUDED IN THE SCOPE OF THE LICENSE RENEWAL RULE (*Volume 65 Federal Register 42305*)

Reference: Letter from H.L. Sumner to NRC, Edwin I. Hatch Nuclear Plant, Response to Request for Additional Information Concerning the Liquid and Gaseous Radwaste Systems, dated July 26, 2000.

TVA offers the following comments relative to the subject *Federal Register* notice that solicited public comments on the petition for rulemaking to revise 10 CFR 54 and 10 CFR 51, if appropriate, to require radwaste systems to be included in the scope of the license renewal rule.

The license renewal rule, 10 CFR 54.4(a), promulgates the following requirements for identifying systems, structures, and components within the scope of license renewal:

- (1) Safety-related systems, structures, and components which are those relied upon to remain functional during and following design basis events (as defined in 10-CFR 50.49(b) [1]) to ensure the following functions:
 - (i) The integrity of the reactor coolant pressure boundary;
 - (ii) The capability to shut down the reactor and maintain it in a safe shutdown condition; or
 - (iii) The capability to prevent or mitigate the consequences of accidents that could result in potential offsite exposure comparable to the guidelines in §50.34(a) (1) or §100.11 or this chapter as applicable.

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- (2) All nonsafety-related systems, structures, and components whose failure could prevent satisfactory accomplishment of any of the functions identified in paragraphs (a)(1)(i), (ii), (iii) of this section.
- (3) All systems, structures, and components relied upon in safety analyses or plant evaluations to perform a function that demonstrated compliance with the Commission's regulations for fire protection (10 CFR 50.48), environmental qualification (10 CFR 50.49), pressurized thermal shock (10 CFR 50.61), anticipated transients without scram (10 CFR 50.62), and station blackout (10 CFR 50.63).

The radwaste systems at most nuclear plants do not prevent or mitigate accidents, and therefore, do not satisfy any of the above criteria. The fact that the radwaste systems are excluded from the scope of the license renewal rule is consistent with the intent of the Commission when the rule was developed. The Commission clearly intended to limit the systems, structures, and components to those directly related to the safe operation of the plant during the renewal term. When the final amended license renewal rule was adopted on May 8, 1995, the Commission reviewed the license renewal rule scoping criteria and determined that ". . . the criteria (1) reflect an appropriate consideration of the existing regulatory process, (2) properly focus the initial license renewal review on those systems, structures, and components that are most important to safety and (3) will not result in an unwarranted re-examination of the entire plant" (60 FR 22461 at 22468). Consistent with this philosophy, the radwaste systems are properly excluded from the scope of license renewal. However, as stated in the reference letter, numerous maintenance activities are performed on these systems which are effective in managing the effects of aging.

TVA endorses the comments made by the Nuclear Energy Institute in opposition to the proposed rule change. We recommend that NRC reject the proposed rule change described in PRM-54-1. If you have any questions, please contact Rob Brown at (423) 751-7228.

Sincerely,


Mark J. Burzynski
Manager
Nuclear Licensing

cc: See page 3

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cc: U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001