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D. R. Woodlan, Chairman
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Ms. Annette L. Vietti-Cook
Secretary, U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
COMMENTS ON PETITION FOR RULEMAKING FROM
WESTCHESTER, NEW YORK, REGARDING LICENSE RENEWAL
(70 FR 34700)**

Dear Ms. Cook:

The Strategic Teaming and Resource Sharing (STARS)¹ nuclear power plants submit the following comments regarding a petition for rulemaking dated May 10, 2005, from Westchester County, New York (assigned Docket No. PRM-54-02 and published in 70 FR 34700 on June 15, 2005). The STARS plants have reviewed this request and do not believe the petitioner provides sufficient reason for pursuing rulemaking; therefore, the STARS plants recommend that the petition be denied in accordance with 10 CFR 2.803. Further elaboration on the basis for our conclusion is provided below. In addition, the STARS plants have reviewed the comments on the petition submitted by the Nuclear Energy Institute (NEI) and concur with their comments.

The Petition requests that 10 C.F.R. Part 54 be totally revised "to provide that a renewed license will be issued only if the plant operator demonstrates that the plant meets all criteria and requirements that would be applicable if the plant was being proposed *de novo* for initial construction." The Commission rejected such an approach to license renewal in the Statements of Consideration associated with the original license renewal final rule published December 13, 1991. In establishing the standards and scope of reviews for license renewal applications, the Commission dealt directly with this issue during that 1991 rulemaking effort, as noted in the Statements of Consideration:

¹ 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.

(1) It is not necessary for the Commission to review each renewal application against standards and criteria that apply to newer plants or future plants in order to ensure that operation during the period of extended operation is not inimical to the public health and safety. Since initial licensing, each operating plant has continually been inspected and reviewed as a result of new information gained from operating experience. Ongoing regulatory processes provide reasonable assurance that, as new issues or concerns arise, measures needed to ensure that operation is not inimical to the public health and safety and common defense and security are "backfitted" into plants.

More recently [see Florida Power & Light Company (Turkey Point Nuclear Generating Plant, Units 3 and 4), CLI-01-17, 54 NRC 3, 7 (2001)], the Commission has provided these additional insights into the appropriateness of the limited scope of the license renewal review process.

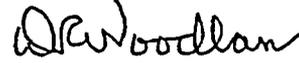
In anticipation of potential license renewal application, the NRC began in the 1980s a program to develop license renewal regulations and associated guidance. We sought to develop a process that would be both efficient, avoiding duplicative assessments where possible, and effective, allowing the NRC Staff to focus its resources on the most significant safety concerns at issue during the renewal term. *The issues and concerns involved in an extended 20 years of operation are not identical to the issues reviewed when a reactor facility is first built and licensed (emphasis added).* For example, many safety questions related to plant aging will become important only during the extended renewal term.

In contrast, other safety issues were thoroughly reviewed when the facility was first licensed, and now are routinely monitored and assessed by ongoing agency oversight and agency-mandated licensee programs. To require a full reassessment of these issues at the license renewal stage, the Commission found, would be both unnecessary and wasteful. Accordingly, the NRC's license renewal review focuses upon those potential detrimental effects of aging that are not routinely addressed by ongoing regulatory oversight programs. License renewal reviews are not intended to "duplicate the Commission's ongoing review of operating reactors." See Final Rule, "Nuclear Power Plant License Renewal," 56 Fed. Reg. 64,943, 64,946 (Dec 13, 1991).

The Commission clearly rejected the duplicative approach and increased scope for license renewal applications that the Petitioner proposes. The 1991 Commission determination directly addresses the Petitioner's arguments, and the Petition offers no new information that would challenge the Commission's carefully-considered conclusion that the existing license renewal rule and process "provide reasonable assurance that the discipline of a formal license renewal review against either the full range of current safety requirements or the requirements on common defense and security would not add significantly to safety or common defense and security and is not needed to ensure that continued operation during the renewal term is not inimical to the public health and safety or the common defense and security." (56 Federal Register at 64, 947) The STARS plants therefore echo NEI's request that the Commission deny this petition in its entirety.

If there are any questions regarding these comments, please contact me at 254-897-6887 or dwoodla1@txu.com.

Sincerely,



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