

Stephen B. Bram
Vice President

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October 15, 1990

Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Re: Notice of Proposed Rulemaking:
Nuclear Power Plant License Renewal
55 Fed. Reg 29,043 (July 17, 1990)

Dear Sir:

Consolidated Edison Company of New York, Inc. ("Con Edison"), licensee of Indian Point Unit No. 2, welcomes the opportunity to express its views to the Commission on the referenced Notice of Proposed Rulemaking pertaining to nuclear plant license renewal. Several of the issues raised in the proposed rule were previously addressed by Con Edison in its letters to the Commission dated February 2, 1987 and October 28, 1988, responding to earlier Commission requests for comment on license renewal. We respectfully request that the Commission refer to those letters as well as our current response in considering the comments that it receives to the proposed rule. Con Edison, however, wishes to reiterate and emphasize several matters of particular importance.

First, while the proposed rule recognizes that considerations pertaining to equipment and component aging are a major factor in determining the Commission's license renewal policies, Con Edison believes that aging issues are better addressed by aging management programs that rely primarily upon ongoing equipment and component surveillance and inspection, and industry-wide data collection and trending. Such programs would focus upon the actual condition of safety-significant components determined through screening criteria to require heightened oversight to detect possible age-dependent failure mechanisms.

If aging management issues are addressed by ongoing programs, the Commission will have neither occasion nor need

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to impart regulatory significance to the 40th anniversary of a plant's initial operation, or to require a comprehensive plant reevaluation at that time. Thereafter, the basis for determining whether a plant can continue operating safely will be supplied by the plant's original licensing basis, as amended, and its compliance with Commission aging management programs at the time of expiration of the initial license term.

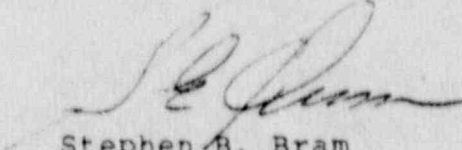
With respect to the proposed use of the current licensing basis ("CLB") for purposes of license renewal, it would not be appropriate for the CLB to be so broadly defined to include licensee commitments beyond those which are necessary to comply with applicable NRC regulations and orders, and the terms and conditions of the license itself. Voluntary commitments made by a licensee which exceed regulatory requirements may not properly be considered as part of a plant's CLB, since in such instances new regulatory requirements would in practical effect be promulgated without the discipline of Commission rulemaking and compliance with the Administrative Procedure Act, 5 U.S.C. § 551 et seq. Accordingly, proposed Section 54.3, which in its present form states that commitments forming the basis of the CLB "include, but are not limited to" compliance with the Commission's legally binding requirements, goes too far in defining the proper scope of a plant's CLB.

Finally, Con Edison believes that the Commission's assessment of the four alternative approaches to license renewal identified in the proposed rule should be expanded to include not only safety considerations but other Atomic Energy Act objectives as well. Although the Commission has made a meticulous effort to evaluate differences in postulated safety (e.g., core melt frequencies) among the alternatives, it has evidently not yet conducted a comprehensive parallel analysis of the energy sources which would be needed to replace reactors whose licensees determined not to seek renewal based upon the Commission's choice of alternative. A complete and thorough consideration of the Commission's Part 54 alternatives would appear to include an analysis of their incremental differences from the standpoints of the resulting energy mix likely to result from designation of a given alternative, and the effect of that alternative on national energy policy, national security and the cost of replacement capacity for those nuclear plants which will terminate operation at the 40-year mark rather than pursue license

renewal. This analysis should identify whether and to what extent licensees can be expected to eschew renewal because of the cost and uncertainties associated with the license renewal program ultimately selected by the Commission, compared to the other identified alternatives.

Con Edison again thanks the Commission for the continuing opportunity to comment on this important topic. We also endorse the comments on license renewal submitted in response to the proposed rule by the Nuclear Management and Resources Council, and by the firm of Winston & Strawn.

Very truly yours,



Stephen B. Bram
Vice President

Con Edison memorandum

Indian Point Station
October 2, 1990


TO: All Officers

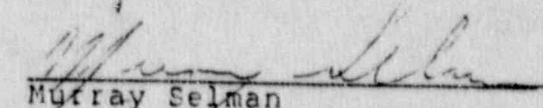
FROM: Stephen B. Bram
Vice President
Nuclear Power

SUBJECT: Delegation of Authority
Corporate Policy #000-1

In accordance with the above Corporate policy, during my absence from the Station the responsibilities of the Vice President, Nuclear Power will be assumed by Mr. Michael Miele from Sunday, October 7, 1990, through Saturday, October 13, 1990, and by Mr. Stephen E. Quinn from Sunday, 14, 1990, through Friday, October 19, 1990, in addition to their normal duties and responsibilities.

Concurrence:





Murray Selman
Executive Vice President
Central Operations