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October 15, 1990
NS-NRC-90-3545

Mr. Samuel J. Chilk, Secretary
US Nuclear Regulatory Commission
Washington, DC 20555

Attention: Docketing and Service Branch

Re: Proposed Rule - Nuclear Power Plant License Renewal
55 Fed. Reg. 29043 (July 17, 1990)
Request for Comments

Dear Mr. Chilk:

These comments are submitted on behalf of Westinghouse Electric Corporation ("Westinghouse") in response to the request of the US Nuclear Regulatory Commission ("NRC" or "Commission") for comments on the proposed rule entitled "Nuclear Power Plant Licensing Renewal" (55 Fed. Reg. 29043, July 17, 1990).

Westinghouse notes that comprehensive comments are also being filed by the Nuclear Management and Resources Council, Inc. (NUMARC). Those comments have the full support and endorsement of Westinghouse. In addition, we submit the following comments.

This rulemaking is highly significant in serving national and public interest. Savings to the public can be measured economically, environmentally, and in terms of improving the overall quality of life.

The economic value of deferred construction plus the avoided cost of replacing relatively low cost exiting capital structures can amount to savings well in excess of \$100 billion. These savings aid the nation in terms of global competition and insure to the benefit of the average ratepayer as well.

Environmentally, there are considerable "clean air" savings realized if replacement power were generated with fossil fuels. Moreover, continued use of nuclear facilities will reduce dependence on foreign oil and all that dependence portends.

Finally, permitting license renewal helps assure the continued flow of reliable power and energy to industry, commercial businesses, health care facilities, and households throughout the nation. License renewal also helps assure the continuity of the flow of electric power and energy which is key to maintaining the quality of life in the United States.

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The Commission's effort to arrive at safe standards for license renewal is highly commendable. In general, the standards set out in the proposed rule are practical and reasonably assure protection of public health and safety. As pointed out by NUMARC, however, some changes appear to be necessary to improve the clarity and content of the proposed rules. Westinghouse, therefore, offers these comments in a constructive spirit with a view toward enhancing the effectiveness of the final rule.

Current Licensing Basis (CLB)

Conceptually, the CLB is the proper basic standard for determining license renewal. In its Statement of Considerations, IV(b)(i), the Commission properly explained that CLB means "the Commission requirements for the plant that are in effect at the time of renewal application." The difficulty lies in the delineation of those "requirements" in the definition of CLB set out in the proposed rule. The definition is clearly too broad when it states:

These plant-specific requirements and commitments (and modifications and additions thereto) include, but are not limited to... (emphasis added)

The words "but are not limited to" are so broad as to render the definition meaningless. In short, with these words, the definition does not really "define" in the real sense of that term.

Moreover, the definition does not properly specify that commitments which are a part of the CLB should be in writing. This leaves the door open to later suggestions that oral commitments may be a part of the CLB. Such a position could create considerable uncertainty in the process and produce an administrative nightmare for the NRC and licensees alike.

The definition can also be read to mean that the CLB is frozen at the time the application is filed. Section 54.3(a) specifies that the CLB includes modifications and new commitments remaining in effect "up to the filing of the license renewal application." Although the Commission probably meant only to delineate the CLB as being that which exists at the time of renewal application, the words can be read to suggest that no further modifications will be made to the CLB after the renewal application is filed. Such a reading would not permit ordinary safety improvements to be made in a timely manner.

The NUMARC Revised Definition addresses all of the foregoing problems and should be adopted by the Commission.

Integrated Plant Assessment (IPA)

The requirements for an IPA are not well focused. As set out in the Rule, Statement of Considerations, and the Regulatory Analysis, these requirements appear to call for more than is necessary to make the finding that aging will be properly managed during the renewal term. Section 54.21(a) refers to the requirements in §54.3(a) which includes all systems, structures, and components used in a safety analysis or plant evaluation. This would mean that matters totally unrelated to aging or to the CLB would be required as a part of the IPA.

NUMARC developed the "Methodology to Evaluate Plant Systems, Structures and Components for License Renewal" and has submitted it to the NRC for review and comment. The Commission should adopt that methodology for carrying out its Integrated Plant Assessment program.

Backfit

Westinghouse understands and appreciates the Commission's explanation in the Statement of Considerations as to how the backfit rule (10 CFR §50.109) will operate during the renewal application period. However, certainty of the regulatory process requires codification of that explanation. NUMARC suggests one approach. There may be others. What is important is that future generations of licensees and regulators have the clear unequivocal guidance of a codified standard for backfitting rather than a simple interpretational reference in the Statement of Considerations.

In all other respects, Westinghouse adopts the NUMARC positions as set forth in their comments and urges the Commission to make changes to the final rule as described by NUMARC.

Very truly yours,

WESTINGHOUSE ELECTRIC CORPORATION


W. J. Johnson, Manager
Nuclear Safety

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