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Warren Minners
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CENTERIOR ENERGY

Donald C. Shelton
Vice President - Nuclear
Davis-Besse

300 Madison Avenue
Toledo, OH 43652-0001
(419) 249-2300

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Office of Administration
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Comments On Draft Regulatory Guide DG-1020, Monitoring The Effectiveness Of Maintenance At Nuclear Power Plants

Gentlemen:

Toledo Edison, a subsidiary of Centerior Energy, is partial owner of and is responsible for operation of the Davis-Besse Nuclear Power Station. Toledo Edison has been authorized for power operation of the Davis-Besse Nuclear Power Station since April 1977. As a 10 CFR 50 licensee, Toledo Edison has a vested interest in any policies the NRC may adopt which can affect the management and operation of a commercial nuclear power plant.

The purpose of this letter is to provide comments on Draft Regulatory Guide DG-1020, entitled "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants." However, Toledo Edison would like to preface these comments by reiterating our position that the Maintenance Rule, 10 CFR 50.65, and the backfit analysis performed in support of the Maintenance Rule are both flawed. Implementation of the Maintenance Rule will place an unnecessary financial burden on operating nuclear plants without resulting in a substantive improvement in safety.

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NRC regulations should be limited to protecting the health and safety of the public. The Maintenance Rule is flawed in that:

1. Operating costs will be increased.

2. No improvement in safety will result from its implementation; because of reallocation of resources, safety may be diminished.

The nuclear industry has improved maintenance practices to the point where the average frequency of scrams resulting from failure of safety-related structures, systems, and components (SSCs) is extremely low. Enhanced monitoring of safety-related SSCs and nonsafety-related SSCs "whose failure could cause a reactor scram or actuation of a safety-related system" may increase operating reliability but will not improve safety. Implementation of the Maintenance Rule will cost money that could be more effectively used to improve safety elsewhere if needed. Although failures of nonsafety-related SSCs may occasionally result in a reactor scram or safety-related system actuation, when such failures occur, the consequences are not significant since the resulting scram or safety system actuation is designed to place the plant in a safe state.

The 10 CFR 50.109 backfit analysis performed to justify issuance of the Maintenance Rule is inadequate and contains serious flaws. It is Toledo Edison's position that:

1. The Maintenance Rule will improve performance for only a few poor performing plants.

2. Inappropriate data was used as the basis of the backfit analysis.

3. The cost of implementing the Maintenance Rule will consume resources from improvements with actual safety benefit.

The nuclear industry is continually striving to improve performance and the average plant availability has improved substantially since 1985. These improvements were accomplished without the Maintenance Rule and were not considered in the backfit analysis. With the exception of a few poor performing plants, availability has improved to the point where further gains will be made by reducing the length of outages, not improving equipment reliability. The backfit analysis assumes a $998 million savings in avoided replacement power cost due to increased availability. This cost savings was based on pre-1985 average preventable downtime for a satisfactory plant and is not achievable given the already improved performance of the nuclear industry.

Toledo Edison believes that, if current availability figures are used, the avoided replacement power cost savings would be much less than $998 million. This, in turn, raises the estimated cost of implementing the Maintenance Rule. Toledo Edison contends that this money would be better spent in areas which could provide actual safety improvements.

In conclusion, Toledo Edison believes that the Maintenance Rule, as well as the supporting regulatory activities such as issuance of the Regulatory Guide 1020 is another example of where the regulatory process has an impact on O&E costs without an appreciable benefit in public safety. However, if the rule is not rescinded, Toledo Edison supports the comments submitted by NUMARC regarding DG-1020, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants."

If you have any questions regarding these comments, please contact Mr. Robert W. Schrauder at (419) 249-2366.

Very truly yours,

MAT/glc

cc: A. B. Davis, Regional Administrator, NRC Region III
J. B. Hopkins, NRC Senior Project Manager
S. Stasek, DB-1 NRC Senior Resident Inspector
O. Rothberg, USNRC
USNRC Document Control Desk
Utility Radiological Safety Board