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 50-251 Turkey Point Plant, Unit 4, Florida Power and Light C 05000251
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 RECIP. NAME RECIPIENT AFFILIATION
 CHILK, S.J. Office of the Secretary of the Commission
 CHILK, S.J. Docketing & Services Branch

SUBJECT: Comment supporting proposed rules 10CFR2,50 & 54 re
 nuclear power plant license renewal.

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DOCKET NUMBER
PROPOSED RULE **PR 2, 50 + 54**
(55 FR 29043)

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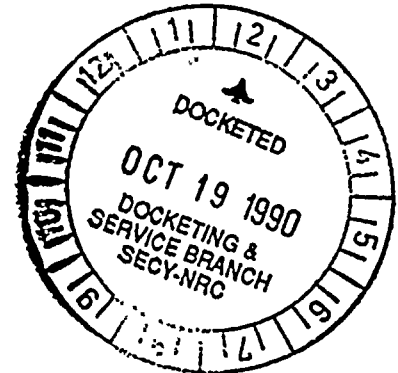
OCTOBER 15 1990

L-90-366

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

Attention: Docketing and Service Branch

RE: Proposed Rule - 10 CFR Parts 2, 50 and 54
Nuclear Power Plant License Renewal
55 Federal Register 29043 (July 17, 1990)
Request for Comments



Dear Mr. Chilk:

On July 17, 1990, the U.S. Nuclear Regulatory Commission (NRC) published for public comment a proposed rule that would establish the requirements which an applicant for renewal of a nuclear power plant operating license must meet, the information that must be submitted to the NRC for review so that the agency can determine whether those requirements have in fact been met, and the application procedures. These comments are submitted on behalf of Florida Power & Light Company (FPL).

FPL is an investor-owned utility serving over three million customers in the State of Florida and is a licensed operator of two nuclear power plant units in Dade County, Florida and two units in St. Lucie County, Florida. FPL has participated in license renewal activities through the Nuclear Management and Resources Council (NUMARC) "NUPLEX" Working Group. License renewal for FPL is an issue of vital importance and, given this importance, FPL will continue to participate in and support the NUMARC license renewal effort.

The proposed rule and its principal supporting documents, NUREG 1412, "Foundation for the Adequacy of the Licensing Bases"; NUREG 1398, "Environmental Assessment for Proposed Rule on Nuclear Power Plant License Renewal"; and NUREG 1362, "Regulatory Analysis for Proposed Rule on Nuclear Power Plant Renewal," have been reviewed in great detail by the NUMARC NUPLEX Working Group. A set of detailed comments has been submitted by NUMARC for your consideration. FPL endorses and supports the comments as submitted by NUMARC except as discussed below:

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an FPL Group company

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the acceptability of a licensee's proposal (not only SERs and SEs but also feedback on licensee responses to generic communications and plant-specific licensing actions).


FPL proposes that the definition of CLB should read:

The Current Licensing Basis (CLB) of a facility is that collection of documents that permitted the NRC to issue and maintain an operating license. These documents consist of the Final Safety Analysis Report, the operating license and technical specifications, the operating license SER and its supplements, Safety Evaluations issued subsequent to the operating license, documents generated by the NRC concerning licensee responses to licensing actions (i.e., plant specific correspondence, generic letters and bulletins), NRC orders and licensing board decisions.

Backfit Considerations

In addition to supporting and endorsing the NUMARC comments and recommendations related to the Backfit Rule (10CFR50.109) and its application to license renewal, FPL also endorses and supports the comments which the Nuclear Utility Backfitting and Reform Group has submitted.

FPL appreciates the efforts the NRC is taking toward the development of this rulemaking and cannot overstate the importance of the development of a practical and workable license renewal process. We also appreciate the opportunity to comment on the license renewal proposed rule.


W. H. Bohlke
Vice President
Nuclear Engineering & Licensing

Current Licensing Basis

The proposed rule in 10CFR54.3 defines Current Licensing Basis (CLB) as, among other things, "... modifications and new commitments made by the licensee..." as well as "...written commitments made in docketed licensing correspondence such as licensee responses to NRC bulletins, generic letters, and enforcement actions". FPL feels that the following flaws exist in the definitions of CLB, as proposed:

- 1) Licensee responses to generic communications (i.e., generic letters and bulletins) would become the CLB for the facility when the responses are docketed. There is no requirement for the NRC to determine the acceptability of the responses, implying tacit approval by the NRC of licensee responses to such generic communications. In the extreme, a licensee could change responses at will and develop a moving CLB since no NRC determination of the acceptability of the response is required. In fact, the entire definition excludes the requirement for a written NRC determination of acceptability on any licensing action either requested by the licensee or mandated by the NRC.
- 2) There is no definition of "commitment" as interpreted by the NRC staff. This is a fatal flaw which will result in a spectrum of CLB definitions since "commitment" is a term that may be interpreted in a number of ways.
- 3) Enforcement action responses/commitments are included in the CLB definition. Enforcement action responses are compliance issues and not CLB issues.

FPL believes that NRC acknowledgement of the acceptability of a licensing action (i.e., the "basis for licensing") is an integral part of any CLB definition. The initial operating license Safety Evaluation Report (SER) and its supplements serve as the basis to confirm that all descriptions, analyses, programs, etc., in the licensee's Final Safety Analysis Report (FSAR) are acceptable. Additionally, the NRC issues SEs in amending an operating license pursuant to 10CFR50.90 to confirm that the proposed changes to the license and the FSAR are acceptable. The NRC also issues SEs that are not associated with license amendments and these SEs may also cause the FSAR to be updated and serve as the NRC's basis for determining that changes are acceptable. FPL believes that any definition of CLB must include, as an integral constituent, all documents which the NRC issues to acknowledge

