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Southern Nuclear Operating Company
the southern electric system

Dave Morey
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Docket Nos. 50-348
50-364

Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555-0001
ATTN: Docketing and Service Branch

Comments on Proposed Rule
"Shutdown and Low-Power Operations for Nuclear Power Reactors"
(59 Federal Register 52707 dated October 19, 1994)

Dear Sir:

Southern Nuclear Operating Company (Southern Nuclear) has reviewed the proposed rule "Shutdown and Low-Power Operations for Nuclear Power Reactors," published in the Federal Register on October 19, 1994. In accordance with request for comments, Southern Nuclear is in total agreement with the NEI comments which are to be provided to the NRC. Additionally, the Westinghouse Owners Group is providing comments on this document which we believe to be appropriate and beneficial.

Southern Nuclear is committed to maintaining a high level of safety for shutdown operations at its nuclear units. In addition, Southern Nuclear, in recent years, has made significant strides in maintaining this level of safety while reducing its operating costs. Southern Nuclear is concerned that the promulgation of this rule will have a significant effect on overall outage time and cost while providing no measurable safety benefit. Thus, Southern Nuclear is enclosing additional comments to expand on these concerns.

Respectfully submitted,

D. N. Morey

DNM/CRP

Enclosure

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cc: Southern Nuclear Operating Company
D. N. Morey, Vice President
R. D. Hill, Plant Manager

U. S. Nuclear Regulatory Commission, Washington, DC
B. L. Siegel, Licensing Project Manager, NRR

U. S. Nuclear Regulatory Commission, Region II
S. D. Ebneter, Regional Administrator
T. M. Ross, Senior Resident Inspector

Enclosure
Comments on the Proposed Rule
"Shutdown and Low-Power Operations for Nuclear Power Reactors"

Southern Nuclear recognizes the need for maintaining a high level of nuclear safety during low-power, shutdown and refueling conditions. Several plant programs are now employed to provide this level of assurance, many of which are embodied in the elements of NUMARC 91-06, "Guidelines for Industry Actions to Assess Shutdown Management", which the industry has committed to meet. Thus, Southern Nuclear has carefully considered this proposed rule to determine its overall need relative to any incremental increase in plant safety which might be achieved.

Southern Nuclear is very concerned about the shortcomings in the development process used for this proposed rulemaking. As discussed further below, the Regulatory Analysis is inadequate. Definitions in the rule are not consistent with industry definitions commonly employed in technical specifications. Other terms, such as containment integrity, appear to be improperly used in light of existing technical specifications terms. Still other portions of the rule, such as the area-requiring redundancy, are inconsistent with plant's technical specifications and licensing basis. The rule is presciptive rather than performance-based; thereby making it onerous to implement. These actions are contrary to recent NRC Commission movement toward performance-based regulatory standards.

We are concerned about the potentially significant adverse operational and economic implications which would be created for licensees by its promulgation. The implementation of the proposed rulemaking at the Joseph M. Farley Nulcear Plant could add several days to each outage due to having to maintain redundancy of AC power sources and maintain containment integrity (vs. refueling integrity) in the early stages of the outage. This could result in up to $2,000,000 in additional cost to Southern Nuclear each outage.

One major reason for this increase in outage time deals with the provisions of the rule involving containment integrity. These provisions would significantly delay by days the time frame that the containment equipment hatches could be routinely opened after achieving shutdown for movement of equipment into containment and performing much outage maintenance. This will directly extend the outage duration. This outage duration increase could correspond to $1,000,000 of increased cost per outage.

The increase in outage time is also as a result of the provisions of the rule in 10 CFR 50.67(c)(3)(ii) which require redundancy to assure that safety functions can be accomplished during low power operation (Modes 3 and 4) and shutdown prior to refueling (Mode 5 and some parts of Mode 6). The rule states "...for the onsite electric power system in operation (assuming offsite power is not available), safety functions can be accomplished, assuming a single failure, for all conditions except refueling operations (with water level above the reactor in excess of a lower limit established in applicable

technical specifications or plant procedures)." Maintenance for this redundancy, including Technical Specification surveillances, can currently be performed during Modes 1-6 by voluntary LCOs and the use of the Maintenance Rule (discussed further below). This change could ultimately extend outages.

These provisions exceed what is required to protect public health and safety and ignores the licensing basis principles embodied in the plant technical specifications. The key element to protect public health and safety is to assure that actions can be taken to prevent PWR core boiling in the event that decay heat removal is lost and that actions can be taken to accomodate containment closure in response to a loss of decay heat removal capability. This concept is embodied in NUMARC 91-06, which the industry has committed to meet through the NUMARC (now NEI) Board of Directors. Costs other than those incurred by outage duration could also be significant. These include the costs for additional fire hazard protection programs and operator training.

Our concerns are mainly on the overall lack of justification for the proposed rulemaking. The industry took the initiative to develop and implement NUMARC 91-06. This has resulted in significant improvements in shutdown performance, which we believe has reduced both the frequency and safety significance of shutdown events in the last two years. The potential impacts of the proposed rulemaking ignore the significant advancements many utilities have made in conducting their outages in a safer manner and negates the advancements made toward reducing outage durations. NRC Commission action in this regard should be to acknowledge NUMARC 91-06 as an acceptable method to reduce shutdown risk and to acknowledge the adequacy of current regulations. An example of such a regulation is the maintenance rule which required that an assessment of the total plant equipment necessary to perform safety functions be taken into account during performance of monitoring and preventative maintenance. This provides adequate controls to assure that appropriate safety levels are maintained during shutdown.

The timing of the rulemaking process has prevented these improvements from being adequately considered by the NRC staff in assessing this proposed rulemaking through the Regulatory Analysis. The data in NUREG 1449 is many years old and was obtained before NUMARC 91-06 was implemented by the industry.

The Regulatory Analysis does not properly consider the impact that this proposed rulemaking may have on outage duration. Overall, the Regulatory Analysis assumptions, cost estimates, estimated outage duration effects, and the use of Probabilistic Safety Assessment are outdated and not consistent with industry estimates. The NRC has failed to adequately comply with the intent of the Backfit Rule as delineated in 10 CFR 50.109(a)(3) which states, "...all direct and indirect costs of implementation for that facility are justified...," in view of the increased safety to the public resulting from the proposed rule. Thus, an updated comprehensive regulatory analysis should be developed and issued for comment prior to any further action on the proposed rule.