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DOCKET NUMBER
DOCKETED PROPOSED RULE **PR 50**
(59FR52707)



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Vogtle Project

'95 FEB -6 AM 1:44

Georgia Power
the southern electric system

February 3, 1995

OFFICE
DOCKET

Docket Nos. 50-321 50-424
50-366 50-425

HL-4762
LCV-0536

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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:

Georgia Power Company 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, Georgia Power Company is in total agreement with the NEI comments which are to be provided to the NRC. Additionally, the BWR and Westinghouse Owner's Groups are providing comments on this document which we believe to be appropriate and beneficial.

Georgia Power Company is committed to maintaining a high level of safety for shutdown operations at its nuclear plants. In addition, Georgia Power Company, in recent years, has made significant strides in maintaining this level of safety while reducing its operating costs. Georgia Power Company 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, Georgia Power Company is enclosing additional comments to expand on these concerns.

Should you have any questions, please advise.

Respectfully submitted,

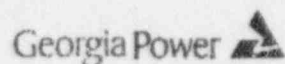
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C. K. McCoy

CKM/CRP

Enclosure

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U. S. Nuclear Regulatory Commission

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HL-4762
LCV-0536
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Enclosure
Comments on the Proposed Rule
"Shutdown and Low-Power Operations for Nuclear Power Reactors"

Georgia Power Company 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, Georgia Power Company has carefully considered this proposed rule to determine its overall need relative to any incremental increase in plant safety which might be achieved.

Georgia Power Company 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 the technical specifications and the licensing basis. The rule is prescriptive rather than performance-based, thereby making it onerous to implement. These actions are contrary to recent NRC Commission movement toward performance-based regulatory standards.

In addition, we are concerned about the potentially significant adverse operational and economic implications which would be created for licensees by promulgation of the proposed rule as written. For example, the implementation of the proposed rulemaking at the Vogtle Electric Generating Plant (VEGP) could add several days to each outage which would result in up to \$4,000,000 in additional cost to Georgia Power Company each outage. One major reason for this increase in outage time deals with 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 shutdown prior to refueling. The sentence "...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)" appears to prohibit diesel generator overhauls at VEGP during plant outages, while in mode 5 or some areas of mode 6. Because there is a usual limit of 72 hours for diesel generator outages in modes 1-4, it appears that all diesel generator overhauls will have to be performed within narrow outage windows (along with other redundant equipment such as the RHR system maintenance.) Ultimately, extended outages could be necessary to accommodate this maintenance.

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Proposed Shutdown Rule

This provision exceeds what is required to protect public health and safety and ignores the licensing basis principles regarding single failure established in other parts of the regulations, such as a licensee's technical specifications. The key element to protect public health and safety is to assure that actions can be taken to prevent core boiling in a PWR in the event that decay heat removal capability is lost. 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 impact 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 an assessment of the total plant equipment necessary to perform safety functions be taken into account during performance of monitoring and preventive maintenance. This provides adequate controls to assure that appropriate safety levels during shutdown are maintained.

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.