

Detroit
Edison

Douglas R. Gipson
Senior Vice President
Nuclear Generation

Fermi 2
6400 North Dixie Highway
Newport, Michigan 48166
(313) 586-5249

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January 11, 1995
NRC-94-0145

The Secretary of the Commission
U. S. Nuclear Regulatory Commission
Attention: Docketing and Service Branch
Washington, D. C. 20555

Reference: Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43

Subject: Detroit Edison Comments on the Proposed Rule,
10 CFR Part 50, "Shutdown and Low Power Operations for
Nuclear Power Plants", Federal Register Vol. 59, No. 201;
dated October 19, 1994 and Draft Regulatory Guide

In response to the NRC's request for comments on 10 CFR 50.67, Proposed Rule for "Shutdown and Low-Power Operations For Nuclear Power Reactors," Detroit Edison is taking this opportunity to express our concerns dealing with the draft regulation. In general, Detroit Edison supports the comments submitted by the BWROG and NEI. Specific Fermi 2 comments follow.

Fermi 2 has taken steps to maximize safety while the plant is at power and during outages. To emphasize Detroit Edison's concern with safety during shutdown operations, all outages are currently controlled by a defense in depth philosophy. This philosophy is implemented by Operations and the Work Control group and then independently verified by the Independent Safety Engineering Group (ISEG). As part of this philosophy there is a concentrated effort to minimize the time that the secondary containment is breached. Due to the effort in controlling risk during outages, Fermi 2 has been able to minimize the occurrence and consequences of problems proposed rule 50.67 is directed toward (i.e. loss of AC power, loss of RCS inventory, loss of decay heat removal). Detroit Edison believes that the Fermi 2 outage philosophy already meets the intent of proposed rule 50.67 with the exception of requirements dealing with fire protection. The proposed rule will not result in any improvements in safety at Fermi 2, but a rigid program to satisfy the rule would have to be implemented. This program would only codify existing practices at Fermi 2. Establishing regulatory requirements for a program that will only duplicate existing practices cannot be justified economically. The issue of fire protection will be handled separately at the end of this letter.

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Part of the NRC's justification for the proposed rule is based on the erroneous assumption that none of the proposed improvements are currently in place. As stated previously, most of the proposed safeguards are already being implemented at Fermi 2. To establish a formal program for an existing practice only draws resources away from other efforts to improve safety.

Cost estimates for the program are also flawed. For example, some of the NRC expenses are annual costs which need to be amortized over the life of each unit. Instead, all NRC costs were treated as one time expenses.

The implementation of a shutdown rule on the heels of an industry-wide effort to perform a self-assessment of shutdown operations (NUMARC 91-06) is inappropriate. The industry self-assessment program was just completed in early 1993. Sufficient time to evaluate the improvements resulting from this effort should be allowed before a new program to achieve the same result is forced upon the industry. In the short time that the NUMARC 91-06 guidelines have been out, even the NRC has noted that they represent "a significant and constructive step, effects of which have already been realized by many utilities."

Detroit Edison would like to emphasize the lack of a legitimate need for the proposed rule. However, if issuing of the rule is imminent, then the following comments should be considered.

- o Remove 'that' from paragraph (c)(3)(i) so that it will read
Identify equipment (including electric power . . .
- o Move '(and throughout the shutdown refueling outage as necessary to accommodate unforeseen contingencies)' in paragraph (c)(4)(i) to after refueling condition. The revised paragraph will read
Prior to entering cold shutdown or a refueling condition
(and throughout the shutdown . . .
- o Remove 'also' from paragraph (c)(4)(ii) so that it will read
Any departures from the outage plan during the shutdown or refueling outage shall be evaluated in the manner described above . . .
- o Rewrite the first sentence of paragraph (c)(3)(ii). This sentence is ambiguous. It is not clear whether 'they' in ". . . such that they will perform . . ." refers to 'controls' or 'equipment'

¹ Section 1.2.3, "Regulatory Analysis in Accordance with 10 CFR 50.109 requirements for Shutdown and Low-Power Operations at Nuclear Power Plants", December 19, 1993

- o Several terms used in the regulation are ambiguous and require some clarification. Among the terms are:
 - o "in a timely manner" as used in relation to re-establishing containment integrity. It is not clear what the NRC expectations are from this term.
 - o "Evaluate realistically available fire protection features". What criteria should be applied and what is an acceptable end product?
 - o "Plant staff must be trained in the implementation of the contingency plan." This statement needs to be more specific.
 - o "Any departure from the outage plan during shutdown or refueling outage shall be evaluated in the manner also described above and appropriate measures implemented." This has the potential to significantly impact emergent work during an outage. In reality it would not be necessary to require an evaluation of all departures.
 - o "Outage plan" is not clearly defined as to what is an acceptable level of detail.
 - o "Controls". A definition of controls should be given in paragraph (b) of the rule. As it currently stands, the reader must decide whether controls means:
 - a) Technical specifications limiting conditions for operation and surveillance requirements plus plant procedures required by technical specifications administrative controls, or
 - b) support systems that are required so that the safety functions can be accomplished, or
 - c) alternate systems that could provide the necessary function if the equipment specified in paragraph (c)(3)(i) became inoperable, or
 - d) contingency plans for providing alternate support to the equipment specified in paragraph (c)(3)(i) in case the normal support equipment is not available, or
 - e) some other meaning

If c) or d) are the intended meaning of 'controls', and 'they' in paragraph (c)(3)(ii) refers to controls, then the paragraph does not make sense. In this context the

paragraph would be stating that the controls will perform their safety function when the plant is in a shutdown or low power condition. Normally these controls will not perform their safety function as long as the equipment in paragraph (c)(3)(i) is operable. If 'they' in paragraph (c)(3)(ii) refers to equipment, then c) above is not applicable since alternate systems will not help the equipment specified in (c)(3)(i) to perform their safety function. Either interpretation does not seem appropriate for c). Therefore, it can be concluded that alternate systems are not to be identified. Rather, "controls" are required that will ensure the primary identified equipment will perform their intended function. But this, relying upon a single set of equipment to be operable and providing a safety function, cannot be what is intended by the rule since it is not a reliable nor a safe way to handle an outage. The ambiguity in paragraphs (c)(3)(i) and (c)(3)(ii) needs to be clarified. Something should be added to the paragraphs or a complete rewrite is in order.

- o In general, the proposed rule needs to account for the complexity of a maintenance outage and not burden completion of emergent activities. A significant amount of flexibility will be required to achieve a workable regulation.
- o In some cases, the control of plant procedures has been relocated from the Technical Specifications. Therefore, (c)(3)(ii)(B) should just refer to plant procedures. The references to Technical Specifications should be deleted.

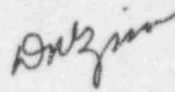
A basis for the proposed requirements covering additional fire protection measures during shutdown operations was not provided. In the NRC's justification for the shutdown rule only specific examples citing the loss of decay heat removal capability or the loss of AC power were given. The fire protection portion of the proposed rule was not justified.

To conclude, Detroit Edison does not support the NRC's belief that a industry-wide shutdown rule is required. Most of the proposed requirements are already being implemented at Fermi 2 and a formalized program will not improve the existing practices, only add to the cost of implementation. In addition, the fire protection requirements have not been justified. There is no evidence that the existing level of fire protection at nuclear power plants poses a significant risk during an outage.

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If you have any questions, please contact Mr. Dennis Jondle at (313)
586-1945.

Sincerely,



cc: S. Bethay (BWROG - Southern Nuclear)
T. G. Colburn
J. B. Martin
T. Pietrangelo (NEI)
M. P. Phillips
A. Vogel