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61FR 43792
Aug. 26, 1996 11/29/96
L-96-314

(6)

Mr. David Meyer
Chief, Rules Review and Directives Branch
Division of Freedom of Information and Publication Services
Office of Administration Mail Stop T6D59
U.S. Nuclear Regulatory Commission
Washington DC 20555

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Action

Subject: Draft Regulatory Guide DG - 1047
Standard Format and Content for Applications to Renew
Nuclear Power Plant Operating Licenses
Request for Public Comments

Dear Mr. Meyer:

On August 26, 1996 (61 FR 43792), the NRC requested public comment on the subject draft regulatory guide which provides guidance regarding the contents of an application for license renewal. These comments are submitted on behalf of the Florida Power and Light Company (FPL), a licensed operator of two nuclear power plant units in Dade County, Florida and two nuclear power plant units in St. Lucie County, Florida.

In general, FPL is in agreement with the Nuclear Energy Institute's (NEI) comments which are being provided to the NRC. FPL believes, however, recent exchanges between NRC and NEI raise concern that the renewal rule may not produce the stable and predictable process envisioned. Much of this instability is created by the evolving implementing philosophy on the regulation. Thus, FPL is enclosing additional comments which expand on the areas of concern expressed in the NEI letter.

Should you have any questions, please advise. Thank you for the opportunity to comment.

Very truly yours,

W. H. Bohlke
for W. H. Bohlke
Vice President
Nuclear Engineering and Licensing

WHB/sh
Enclosures

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(61FR 43792)

IFP-11 Guides
XIFP-11 Comments

L-96-314
ENCLOSURE

Draft Regulatory Guide DG-1047 Comments

Section 2 endorses NEI 95-10, Revision 0, with one qualification: "The examples should not be considered sufficient for demonstrating that the effects of aging for the components discussed will be adequately managed for the period of extended operation." Either the Regulatory Guide or NEI 95-10 should provide examples that the NRC deems adequate for demonstrating that the program is managing aging effects.

Section 3.1 on "Matters Not Subject to a Renewal Review" states "Conversely, 10 CFR 54.30 does not support the position that, because aging is a continuous process, aging management being performed on structures and components within the scope of license renewal during the current term is acceptable for the period of extended operation. The demonstrations required by the license renewal rule must still be provided for these aging management programs." FPL agrees that the demonstration must be made for programs that manage aging. This wording implies that programs in the current term are presumed inadequate until proven to be otherwise. The sentences should be revised as follows:

"Section 54.30 does support the position that, because aging is a continuous process, aging management being performed on structures and components within the scope of license renewal during the current term may be acceptable for the period of extended operation. However, the demonstration required by the license renewal rule must still be provided for these aging management programs."

Nuclear Energy Institute NEI 95-10, Revision 0, Comments

Section 2.0 "Overview of Part 54" requires clarification.

Based on FPL's participation and involvement in license renewal industry efforts, it appears that the NRC staff has imposed a "new" standard in the implementation of NEI 95-10. This different standard, presumably, relates to some change in the "burden of proof" imposed on the licensee in order to provide reasonable assurance as specified in 10 CFR 54.29.

FPL does not believe, however, that there should be a new standard for the renewal term. FPL recognizes that any new regulation brings with it new requirements. The issue is whether the new requirements constitute a new standard that would imply that some programs considered acceptable in the current term to manage a specific aging effect are not considered acceptable in the renewal term to manage the same aging effect. FPL does not believe that the regulatory basis for the acceptance of programs should be any different in the renewal term than in the current term. If a program designed to specifically manage certain aging effects is found to be acceptable in the current term the program should also be considered acceptable for managing the same aging effect in the renewal term.

Thus, FPL recommends that the language of Section 2.0 be revised to clearly state, based on the appropriate sections of the SOC, that the license renewal process does not involve a new standard for providing the reasonable assurance required in 10 CFR 54.29.