



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR

MAY 1 1979

Mr. Lowell E. Roe
Vice President
Facilities Development
The Toledo Edison Company
Edison Plaza
300 Madison Avenue
Toledo, Ohio 43652

Dear Mr. Roe:

I am pleased to respond to your letter of March 5, 1979, to Mr. Lee V. Gossick, Executive Director for Operations, which has been referred to me for reply. First, let me thank you personally, and Toledo Edison as a whole, for taking the initiative to provide your observations on the Nuclear Regulatory Commission's activities. Such feedback by industry and the private sector has been of vital importance in developing and implementing appropriate regulatory requirements to assure public health and safety while allowing dependable nuclear power plant operation. I would like to address your observations, adding additional information which will provide insight into NRC recognition of industry and public input in arriving at the Commission's regulations and policies.

You mentioned problems concerning the transition associated in going from the licensing evaluations (CP & OL reviews) to the final development of a plant's Technical Specifications. The NPC has taken action to help alleviate these problems through the standardization process. A main NRC effort was the development of Standard Technical Specifications.

The Standard Technical Specification effort was initiated in the Spring of 1972 with the principal goal of developing and maintaining a uniform and technically consistent set of generic standard technical specifications (STS) for each of the nuclear steam supply system vendors and associated balance of plant equipment. Industry has provided considerable input to the development of the present STS. The utilities, reactor vendors, and architect engineers were invited to participate in the development. Utility user groups were formed, of which The Toledo Edison Company was a participant in the Babcock & Wilcox (B&W group). The plans for the development and implementation of the STS were included in a letter dated January 31, 1975, from Mr. Edson G. Case, of the NRC, to Mr. John E. Ward, of the Atomic Industrial Forum, Inc. As part of a continuing development program, Toledo Edison Company was invited by a letter dated August 19, 1977, to participate in the NRC staff initiated program to upgrade the bases section of the Standard Technical Specification to reflect experience gained in the development and application of STS.

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These generic STS's are currently being used as the basis for issuance of all new facility operating licenses. However, their implementation is conducted on a case-by-case review giving consideration to plant specific design and site environment. Their implementation by operating plants with existing custom Technical Specifications is being conducted on a voluntary basis. It is the NRC belief that many advantages are realized in adopting the STS. These advantages include 1) the use of concise and specific common phraseology that minimizes problems of interpretation and understanding by using parties, 2) a common format and organizational structure, and 3) a final document which results in fewer technical specification amendments, thereby reducing manpower requirements necessary by both NRC and the licensee in maintaining the Technical Specifications.

Next, let me address your concerns on the draft radiological effluent technical specifications. These specifications were developed by the NRC staff for the purpose of specifically implementing the requirements of Appendix I to 10 CFR 50 and, in a broader sense, to integrate all the Commission's regulations, requirements, and policies pertaining to radiological waste management and radiological environmental monitoring (e.g., the regulations at 10 CFR 20.105, 20.106, 20.405, 50.34a, 50.36a, and General Design Criteria 60 and 64 to Part 50).

Appendix I to 10 CFR Part 50 presents the Commission's position on maintaining releases of radioactive material to the environment to "As Low As Reasonably Achievable" (ALARA) levels. This regulation, which was promulgated by publication in the Federal Register on May 5, 1975, (40FR 19442), represents the outcome of a development process exceeding four years, which included a rulemaking hearing and significant involvement of industry and the public.

The radiological effluent technical specifications that have evolved from this process have received considerable NRC management and industry review. After initial development by the NRC staff, the specifications were reviewed by the Regulatory Requirements Review Committee (RRRC), an internal NRC committee established for the purpose of reviewing all significant new or proposed regulatory requirements for nuclear power plants to assure need and value. These specifications were approved by RRRC for use in future issuance of operating licenses and for assessment of the proposed technical specifications submitted by operating reactors in accordance with the requirements of Appendix I. The RRRC approval directed the

staff to provide copies to the Atomic Industrial Forum (AIF) and other members of the public for their comments. The Atomic Industrial Forum established a Task Force for the purpose of a detailed, industry coordinated review of these specifications. The NRC staff has worked closely with AIF, and this combined effort has resulted in many changes to the original draft technical specifications. Comments have also been received from various industrial organizations (NSS vendors, architect-engineers and utility companies) and their input has been factored into the staff guidance. Subsequent to the issuance of the Appendix I guidance (NUREG 0472 and 0473), in late November and early December, 1978, meetings were conducted by the NRC staff at each of the NRC Regional Offices for the purpose of explaining the details of the technical and policy details of the specifications and for the purpose of receiving industry comments. The meeting in Region III was conducted on November 28, to which Toledo Edison was party. As a result of these regional meetings and additional AIF meetings, further changes in staff implementation guidance have taken place reflecting industry experience. As can be seen, the Radiological Effluent Technical Specifications have evolved out of an intense NRC development program which involved extensive industry review and comment.

The NRC staff's application of these technical specifications to operating reactors is a current ongoing effort, as you have recognized. These technical specifications are not being categorically applied to all operating plants, but are being used by the staff as an acceptable method for meeting the regulatory requirements. During the implementation of these technical specifications, careful consideration is being given to existing plant design and licensee's alternatives for demonstrating compliance with the guidance provided and applicable regulations.

Toledo Edison's interpretation of some of the details of the specifications discussed in your letter suggest a misunderstanding of their intent. It must be stated that the staff is not dictating to the licensee how to operate the plant. In keeping with the 10 CFR 20.1 ALARA philosophy and requirements of 10 CFR 50.34a and 50.36A(1), levels have been established at which the radioactive effluents must be processed before release to the environment. However, there are no requirements which dictate shutting down the plant due to inoperable radwaste equipment alone. Licensees are permitted to operate the plant with releases of radioactivity to the environment at levels higher than the design objective values of Appendix I provided corrective actions are initiated. Throughout the specifications, operating flexibility has been provided to recognize the need for a dependable source of power production while also protecting the public health and safety.

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Your reference to NRR approval of operating manuals and programs apparently refers to the technical specification requirement for an Offsite Dose Calculation Manual (ODCM) and the Process Control Program which are required to document the methodology used to calculate offsite doses and operation of the radwaste solidification system. The documents do not contain operating procedures but descriptions of the methods to be used thereby deleting technical detail from the specifications. These documents represent a simplification of the Technical Specification wherein changes in these documents will not require license amendments.

The policy of the NRC that a value/impact analysis be conducted for any proposed regulatory action of a significant nature has been followed in the development of the radiological effluent technical specifications. The staff presentation of the specifications to RRRC was made in May of 1978 which included a value/impact analysis.

Implementation of the Technical Specifications will use the guidance provided to assess operating plant technical specifications. However, if aspects of the guidance are found to have a high cost impact in a particular case, the staff will consider other alternatives which provide an appropriate degree of safety. This is consistent with the staff's stated position in the Regional meetings that the operating plant custom specifications in the effluent area need not be changed to Standard Technical Specifications but should be revised to address all technical areas covered by the model specifications as appropriate to the plant.

I believe that the following statements which appear on page 2 of your March 5, 1979 letter require clarification:

"Under unreasonable technical specification demands, unit availability can suffer due to inoperability of equipment which is not needed to meet discharge limitations. Under these conditions, theoretically, if unneeded equipment were inoperable, a facility could be incapable of meeting NRC operating restrictions even though discharge stream contamination levels were zero."

I do not believe that these statements correctly describe the Radiological Effluent Technical Specifications; however, I am anxious to understand the facts which are behind your remark.

I am in receipt of your subsequent letter (March 16, 1979 to Mr. Robert Reid) which transmitted changes and additions proposed to incorporate the

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NRC's Radiological Environmental Technical Specifications (RETS) into Facility Operating License No. NPF-3. I suggest that my staff and yours meet in the near future to discuss Toledo Edison's March 16, 1979 technical specification amendment and clarify/resolve any remaining differences cited in your March 5, 1979 letter.

Sincerely,

Original Signed By
Roger S. Boyd

Roger S. Boyd, Director
Division of Project Management