

NUCLEAR REGULATORY COMMISSION  
10 CFR PART 50

PLAN TO REQUIRE LICENSEES AND APPLICANTS TO  
DOCUMENT DEVIATIONS FROM THE STANDARD REVIEW PLAN

AGENCY: Nuclear Regulatory Commission

ACTION: Notice of Proposed Rulemaking

SUMMARY: The Nuclear Regulatory Commission is considering requiring all nuclear power plant licensees and all applicants for construction permits and manufacturing licenses to identify and justify deviations from the acceptance criteria of the applicable revision of the Standard Review Plan, NUREG-75/087. This program will provide the NRC with uniform documentation of the extent to which each plant deviates from current licensing acceptance criteria. Comment is sought on the proposal and on the preferred method of implementing such a proposal.

DATES: The comment period expires on November 24, 1980.

ADDRESSES: Comments should be submitted in writing to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C., 20555, Attention: Docketing and Service Branch. All comments received will be available for public inspection in the Commission's Public Document Room at 1717 H Street, N. W., Washington, D. C.

FOR FURTHER INFORMATION CONTACT: Malcolm L. Ernst, Assistant Director for Technology, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission Washington, D. C. 20555, (301) 492-8016.

SUPPLEMENTARY INFORMATION: The Standard Review Plan (SRP), NUREG 75/087, first published in 1975, was prepared for the guidance of NRC staff reviewers in performing safety reviews of applications to construct or operate nuclear power plants. The principal purpose of the SRP is to ensure the quality and uniformity of the staff reviews and to present a well-defined base from which proposed changes in the scope of these reviews may be evaluated. The SRP also serves to make information about regulatory matters widely available, and improves understanding of the staff review process by interested members of the public and the nuclear power industry.

The NRC's current techniques for the safety evaluation of nuclear power facilities as set forth in the SRP, are the result of years of experience. A great deal of progress has been made in the methods of review and in the development of regulatory guides and other staff positions referenced in the SRP.

As this experience acquired over the years is incorporated into the regulatory process, regulatory guides, including the SRP, are periodically reviewed and revised to reflect the current state-of-the-art. This results in a varying scope of review over time and tends to lead to lack of uniform documentation of each plant's conformance with current staff acceptance criteria. Some plants, for instance, have been reviewed against the SRP at the OL stage but not at the CP

stage, while still others, although reviewed against the SRP at both the CP and OL stage, lack uniformity because of updating of the SRP after the CP review was completed. This lack of uniform documentation makes it difficult to determine the extent to which plants reviewed some time ago deviate from current acceptance criteria, and if so, the safety significance of such deviations.

As a result of the accident at Three Mile Island, many regulatory requirements have been revised and new requirements have been promulgated. Accordingly, the staff has begun to revise the SRP to reflect these new requirements. This next revision of the Standard Review Plan, scheduled for completion in April 1981, will consist of the May 1980 version of the SRP, modified to reference all applicable safety and safeguards regulations and those Division 1 Regulatory Guides, staff positions, and other documents currently used by the staff to interpret the intent of these regulations, including requirements resulting from the TMI accident.

Requiring license applicants to identify and justify deviations from the acceptance criteria in the applicable revision of the SRP would enhance the quality of the staff's review of applications and assist the staff in making the determinations required by 10 CFR Part 50. In addition, such documentation would more clearly identify the bases for the acceptability of plant designs and their relationship to current licensing criteria. A similar post-licensing requirement for currently operating plants would improve the staff's ability to evaluate the extent and safety significance of deviations from current staff acceptance criteria for these plants.

In a related matter, the NRC is required by Section 110 of Public Law 96-295 (NRC FY 80 Authorization Bill) to develop a plan for the systematic safety review of all operating nuclear power plants. This plan must include among other things: the identification of each current rule and regulation, compliance with which the NRC determines to be of particular significance to the protection of the public health and safety; and the determination of the extent to which each currently operating plant complies with those regulations, including an indication of whether such compliance was achieved by use of Division 1 Regulatory Guides and staff positions<sup>1/</sup> and where such compliance was achieved by equivalent means.

In order to carry out the requirements of Public Law 96-295, to document deviations from the SRP and to improve the staff's ability to evaluate the safety significance of such deviations, the NRC is considering requiring all nuclear power plant licensees and license applicants to identify and provide the safety bases for deviations from applicable revisions of the SRP. Several methods of implementing this requirement are under consideration. These methods are issuance of a Regulatory Guide, specification of a construction permit or operating license condition, a Policy Statement, or rulemaking.

<sup>1/</sup> The revised SRP (April 1981) has been designed and defined to be equivalent to Division 1 Regulatory Guides and staff positions .

Specifically, the NRC is considering imposing the following requirements:

1. All nuclear power plants issued operating licenses on or before June 30, 1980,<sup>2/</sup> would be required to identify and justify all deviations from the acceptance criteria of the SRP revision scheduled to be issued in April 1981 that relate to those regulations which the Commission determines to be of particular significance to the protection of the public health and safety.
2. All applicants who are issued a nuclear power plant operating license after June 30, 1980, and for which the NRC staff's Safety Evaluation Report will be issued on or before January 1, 1982<sup>3/</sup> would be required to identify and justify, after issuance of an OL, all deviations from the acceptance criteria of the SRP revision scheduled to be issued in April 1981 that relate to those regulations the Commission determines to be of particular significance to the protection of the public health and safety.
3. All applicants for a nuclear power plant operating license for which the NRC staff's Safety Evaluation Report is issued after January 1, 1982, would be required to identify and justify, prior to issuance of the operating license, all deviations from all acceptance criteria of the SRP revision scheduled to be issued in April 1981.

2/ The date on which Public Law 96-295 became effective.

3/ The basis for the January 1, 1982 date, is to permit adequate time after issuance of the revised SRP for a licensee to document and justify deviations and for the NRC staff to incorporate evaluations of the more safety significant deviations into the staff Safety Evaluation Reports.

7590-01

- 6 -

4. All applicants for a nuclear power plant construction permit or manufacturing license for which the NRC staff's Safety Evaluation Report TMI Supplement is issued before January 1, 1982, would be required to identify and justify, prior to issuance of the construction permit or manufacturing license, all deviations from all acceptance criteria of the May 1980 version of the SRP and from the "Proposed Licensing Requirements for Pending Applications for Construction Permits and Manufacturing Licenses," in NUREG-0718, (as modified after public comment).

5. All applicants for a nuclear power plant construction permit or manufacturing license for which the NRC staff's Safety Evaluation Report is issued after January 1, 1982, would be required to identify and justify, prior to issuance of the construction permit or manufacturing license, all deviations from all acceptance criteria of the SRP revision scheduled to be issued in April 1981.

The Commission published a Federal Register Notice on October 2, 1980 (45 FR 65247) inviting comment on Requirements 4 and 5 of the current plan. The present notice reiterates those requirements and integrates them with the requirements for operating plants and applicants for operating licenses.

The Commission will consider public comments received in response to this notice in determining the appropriate action to be taken, including the possible issuance of final rules on some or all of these matters.


7590-01

- 7 -

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of Title 5 of the United States Code, notice is hereby given that amendment of the Commission's regulations in 10 CFR Part 50 with regard to some or all of the subjects and issues described in this notice is contemplated.

DATED AT WASHINGTON, D. C. THIS 3<sup>rd</sup> DAY OF Oct 1980

FOR THE NUCLEAR REGULATORY COMMISSION,

  
Samuel J. Chilk  
Secretary of the Commission