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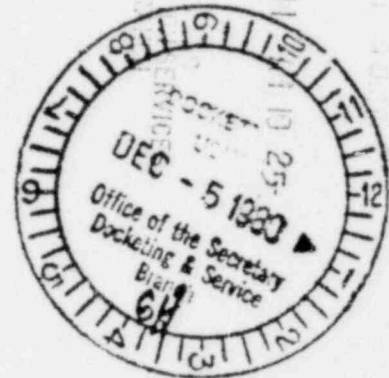
DUKE POWER COMPANY

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L. C. DAIL
VICE PRESIDENT,
DESIGN ENGINEERING

December 1, 1980

JACKET NUMBER
PROPOSED RULE PR 50
45 FR 67099



Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Attention: Docketing and Service Branch

Re: Notice of Proposed Rulemaking
10CFR Part 50
Federal Register Vol. 45 No. 198, 67099

Gentlemen:

The Nuclear Regulatory Commission has noticed in the Federal Register on October 9, 1980 a proposed rulemaking concerning "Plan to Require Licensees and Applicants to Document Deviations from the Standard Review Plan". We believe that this proposed rulemaking is of major importance to the nuclear utility industry and strongly suggest that the Notice of Proposed Rulemaking as published be rescinded and that an Advance Notice of Proposed Rulemaking be issued by the Commission. We believe that public input at this time will have little or no impact on the Commission's Staff as it generates the proposed rule which must now follow.

We have reviewed the Federal Register Notice and are quite concerned with what appears to be the development of a new program of documentation regarding compliance with the Commission's regulations and various interpretative documents. We recognize that this new program is being generated under the provisions of Section 110 of the 1980 NRC Authorization Act. We do believe, however, that the proposed program goes far beyond the requirements of Section 110 of the Authorization Act, will divert large portions of both Staff and industry resources from TMI related and pressing issues, will result in major revisions to various interpretive documents without the benefit of review by the utility industry, and finally, appears to elevate regulatory guides and standard review plans to a status equivalent to regulations without the required public comment and the procedural aspects of a rulemaking.

On September 30, 1980 Commission Chairman Ahearne wrote to the Honorable Thomas P. O'Neill, Speaker of the House of Representatives, and in accordance with the requirements of Section 110(C) of PL96-295 submitted a status report of the Commission's efforts to develop and implement the comprehensive plan for the systematic safety evaluation of all currently operating nuclear power plants. In his letter, Chairman Ahearne indicated that the NRC intends that the plan for the systematic evaluation would efficiently utilize those aspects of the current SEP and IREP programs that have been demonstrated to be effective in assuring the public health and safety. We believe that the IREP program, which is geared toward a reliability assessment

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of a complete plant, is the best way to go in assuring that operating plants meet regulations and requirements as they exist in guidance from the Staff. We do not believe that it was Congress's intent to have all existing operating plants retrofitted to the standards of the current Standard Review Plans and Regulatory Guides. Rather, we believe it was Congress's intent to make sure that the overall actions of the licensee in the design, the construction, and the operation of the plants meets the intent of providing reliable electric service to the general public and at the same time protecting the public health and safety.

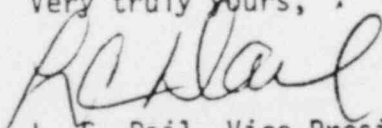
We believe that the Notice of Rulemaking issued on October, 1980 will have a great impact upon our operating Oconee Nuclear Station, our McGuire Nuclear Station for which operating licenses are currently pending, and for our Catawba Nuclear Station which is currently under construction. We do not believe that it was the intent of Congress to have all licensees identify and provide safety bases for deviations from today's Standard Review Plans, rather we believe that it was Congress's intent to make sure that existing plants are safe.

We believe that the precedent which would be set by having existing stations evaluated to the current review plans will cause a never ending power plant review. It is impractical to have new Standard Review Plans without the benefit of an overall integrated review of the plant design. Since Standard Review Plans are issued by the various branches, we would expect that backfits will be forced by that isolated reviewing branch. It seems inappropriate to construct a plant for one branch when the requirements of another branch may require a different "fix". We believe that operating or otherwise licensed plants should be reviewed only from an overall risk standpoint, and not for the various standard review plans and regulatory guides.

We have always considered the NRC's standard review plan as a guide and outline to follow in the preparation of license applications. We have, in the past, described how we meet the various NRC requirements through, in some cases, changes in the regulatory guides and standard review plans. We have successfully answered the questions of NRC reviewers and have had issued to us Safety Evaluation Reports. We believe that all applicants have a multitude of ways of meeting the same criteria and that, as long as acceptable methods of meeting the requirements exist, they should be accepted. Duke, as well as the rest of the industry, has used regulatory guides as one form of defining our compliance with NRC regulations. Indicating where we meet or where we do not meet the standard review plans constitutes duplicate documentation of the reviews that have taken place with existing safety analysis reports and Safety Evaluation Reports issued by the Staff.

Finally, we believe that it is very important to remember that completed licensing activities meet the standards and the requirements of the time period in which they were completed. In the absence of compelling specific safety and public health reasons to reconsider a specific portion of a nuclear power plant design, the completed licensing activities should be left alone.

Very truly yours, .



L. C. Dail, Vice-President
Design Engineering