

January 8, 1981



SECY-81-13

POLICY ISSUE **(Commission Meeting)**

For: The Commissioners

From: William J. Dircks
Executive Director for Operations

Subject: SYSTEMATIC SAFETY EVALUATION OF ALL CURRENTLY OPERATING NUCLEAR POWER REACTORS

Purpose: To request Commission approval of the issuance of the following items: (1) a draft Federal Register notice for a final rule requiring documentation of deviations from the Standard Review Plan, NUREG-75/087; (2) a detailed plan to implement the systematic safety evaluation of currently operating nuclear power reactors as a draft NUREG Report for public comment; (3) a Federal Register notice announcing the availability of and requesting comments on the draft NUREG report; (4) a public announcement on the issuance of the final rule and draft NUREG report; and (5) letters to Congress on the issuance of the final rule and draft NUREG report. These items are part of the staff's program to address the requirements of Section 110 of Public Law 96-295, the NRC FY-80 Authorization Bill.

Background: On September 9, 1980, the staff submitted an Action Paper (SECY-80-414) entitled "Systematic Safety Evaluation of All Currently Operating Nuclear Power Reactors" to the Commission. In this paper the staff requested approval of the proposed conceptual elements of a plan designed to meet the requirements of Section 110 of Public Law 96-295, the NRC FY-80 Authorization Bill. The Commission met on September 16, 19 and 22 to discuss that paper and another related program, which will require the documentation of deviations from the Standard Review Plan (SRP), NUREG-75/087, by all licensees and applicants. These discussions resulted in the issuance of the 90-day status report to Congress (Enclosure 1), as required by Section 110(c) of Public Law 96-295, on September 30, 1980, and in the publication of a Notice of Proposed Rulemaking in the Federal Register on October 9, 1980 (FR 67099, Enclosure 2).

Because of the nexus of the subject of the Federal Register notice to the requirements of Section 110 of Public Law 96-295, which includes the identification of and documentation of compliance to the regulations of particular safety significance, the language in the notice of proposed rulemaking was chosen to track that of

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the 90-day status report and thus, to be fully compatible with the language in the Public Law. Also, as presented in both Enclosures 1 and 2, the "Revised SRP," scheduled to be issued in April 1981, was explicitly designed and defined to be equivalent to the "Division 1 Regulatory Guides and staff technical positions," which is the language that the Public Law used to indicate compliance with the regulations.

The actions outlined in the Federal Register Notice of proposed rulemaking are fully concordant with the requirements of Subsections 110(b)(1) and (2) of the law for all reactors operating as of June 30, 1980. This notice further extended the same requirements to apply to all reactors issued operating licenses in the near future and would impose full documentation requirements on all other reactors in the licensing process. Also, as stated in the 90-day status report, the documentation program will be integrated with an existing safety issues study of the 11 oldest reactors, (Phase II of the Systematic Evaluation Program (SEP)), and with a reliability-risk assessment study, (the Interim Reliability Evaluation Program (IREP)), such that the resultant product will be a comprehensive and coordinated reactor safety review program.

On October 7, 1980, the staff briefed the Reactor Operations Subcommittee of the ACRS, and on October 10, 1980, the full ACRS on the staff's plan, as presented in SECY-80-414, and on the initial effort to identify the regulations of particular safety significance. By memorandum dated October 14, 1980 (Enclosure 3) the ACRS provided its comments on the staff plan. The staff acknowledged these comments in a memorandum dated November 7, 1980 (Enclosure 4).

In a memorandum for the record dated October 24, 1980 (Enclosure 5), the Office of the Secretary closed SECY-80-414 as an active action item. This action was based upon the issuance of the October 9th Federal Register Notice and on the understanding that the staff would submit a new action paper subsequent to the expiration date of the Federal Register comment period (November 24, 1980). This present action paper is submitted to the Commission to present the staff's analysis of the public comments received on the October 9th Federal Register Notice (see Enclosure 6); to present the staff's proposed final rule for documentation of deviations from the SRP (Enclosure 7); to provide the staff's analysis of the regulations, including several choices for a list of regulations considered to be of particular safety significance (Enclosure 8); and to obtain Commission guidance on those issues in SECY-80-414 which have not as yet been acted upon.

Discussion: As stated previously, the SRP is in the process of being revised, with completion scheduled for April 1981. This revision will incorporate (1) a more thorough reference to existing regulations, (2) the approved TMI-related requirements, (3) other new requirements as are clearly necessary and appropriate at this time, and (4) necessary editorial and administrative changes. The revised SRP will then be the base document against which the determination of compliance to the regulations, as required by Section 110 of Public Law 96-295, will be performed. It is the intent of the staff not to publish the proposed SRP revisions for public comment because of the nature of the revisions and because it would delay the issuance of an effective SRP.

The implementation scheme for the proposed requirement for documentation of deviations from the SRP, as detailed in a Federal Register notice issued on October 9, 1980 (Enclosure 2), was the subject of a great deal of public comment. Enclosure 6 provides the staff's evaluation of these comments and Enclosure 7, developed as a result of that evaluation and as a result of administrative directives, is a draft final rule on the documentation requirements. Changes made to the proposed rule based on public comment and further staff evaluation are: responses from operating reactor licensees will be spread out over a seven year period to alleviate near-term resource constraints for both the NRC and the industry; flexibility is provided to modify the program for operating reactors based on experience gained in implementing the program; and near-term construction permit applicants will not be required to document conformance with the SRP as a condition for licensing.

Some of the recommendations made by the staff in SECY-80-414 are still open items requiring Commission guidance. These items are:

1. The alternative methods for developing the list of particularly significant regulations (Alternatives A-1, A-2, and A-3 of SECY-80-414). These alternatives concern the degree of stringency of the screening criteria to be used, and whether the final determination of particular significance should be deferred until after review of licensees' responses in order to permit recognition that, for a given plant, a particular regulation might have more or less safety significance depending on the method and degree of compliance of the plant to it and to other related regulations. In SECY-80-414 we recommended that the staff develop the list of particularly significant regulations generically using moderately stringent screening criteria, recognizing that such a list would probably include at least 75% of the safety-related regulation. A memorandum from the ACRS (Enclosure 3) provides the Committee's comments on this matter. Enclosure 8 provides the initial results of screening performed by the staff using the sets of screening criteria discussed in SECY-80-414. That Enclosure also provides a recommended list of regulations of particular safety significance.

2. The degree of justification to be required of the licensees regarding: (a) the safety significance of deviations from the applicable sections of the SRP; and (b) assertions that compliance is achieved by equivalent means, rather than by the methods identified in the revised SRP. In SECY-80-414 we recommended that licensees be required to provide only brief technical bases for their judgments of equivalence and brief technical discussions of the safety significance of any deviations (Alternative B-1), rather than full technical analyses (Alternative B-2). In making this recommendation, we recognized that more detailed responses may be requested in selected areas after staff review of the initial submittal.
3. The nature and extent of the staff's evaluations of the licensees' analyses. An alternative could be a full evaluation of all deviations from and/or assertions of equivalence to the applicable sections of the revised SRP. However, the staff recommended that evaluations be performed on a selective (audit) basis, based on staff judgments as to the likely validity of assertions of equivalence and the relative potential safety significance of deviations (Alternative C-1).

Enclosure 9 is a Draft NUREG Report that provides the staff's recommended detailed plan to implement Section 110 of Public Law 96-295 for operating reactors. This plan incorporates the recommended alternatives presented above and provides more detail on the actual implementation of the plan. A feature of this plan that should be noted is that flexibility in the documentation and review process has been provided. That is, as experience is gained from implementation of the plan, the requirements may be altered so that the plan will focus on those areas where experience has shown the greatest contribution to the reduction of risk to public health and safety may be achieved. In this regard, as noted above, the licensees' responses will be staggered over a period of about seven years. The priority of response will be dictated by factors such as the age and type of the plant and the density of population surrounding the site. This type of schedule is necessary considering the NRC and industry resources necessary to implement the program, and it also will permit the flexibility described above.

The detailed plan presented in the Draft NUREG Report also shows the interrelationships of IREP/NREP, SEP, and the requirements of Section 110 for the documentation of compliance to the regulations, and presents the staff plan for the identification and resolution of generic issues. The staggered schedule for response to the documentation requirements will be coordinated with the NREP and SEP reviews so that all three are integrated into one coordinated program and implemented at the same time on each individual plant. The major parts of the staff plan are shown schematically on Figure 1 of the Draft NUREG, and the proposed implementation schedule for the major parts of the staff plan are shown on Figure 2 of that report.

Enclosure 10 of this paper is a proposed Federal Register Notice announcing the availability of the Draft NUREG Report and requesting comment on the detailed plan. This notice also details the relationship of the requirements presented in the Proposed Final Rule (Enclosure 7) for documenting deviations from the SRP and the requirements for demonstrating compliance with the regulations presented in the Draft NUREG Report (Enclosure 9).

Enclosure 11 is a Proposed Public Announcement which discusses the Federal Register Notices on the Final Rule for documentation of deviations from the SRP (Enclosure 7) and on the availability of the Draft NUREG Report (Enclosure 9). Also in our effort to keep Congress informed of our progress in satisfying the requirements of Section 110 of Public Law 96-295, we have drafted the information letters in Enclosure 12. Attached to the letters will be a copy of the Draft NUREG Report and the Final Rule on documentation of deviations from the SRP.

Recommendations: We recommend that the Commission:

1. Approve the general content of the draft Final Rule requiring documentation of deviations from the SRP (Enclosure 7). After receipt of this approval, the staff will prepare the final wording of the final rule and associated Federal Register Notice for Commission approval.
2. Approve the content and the issuance as a NUREG report of the proposed detailed draft plan to implement Section 110 of Public Law 96-295 (Enclosure 9);
3. Approve the issuance of the proposed Federal Register Notice (Enclosure 10) announcing the availability of and requesting comments on the draft NUREG report.
4. Approve the issuance of the Proposed Public Announcement (Enclosure 11);
5. Approve the issuance of the information letters to Congress (Enclosure 12).
6. Note that the staff will submit the Final Rule requiring documentation of deviations from the SRP for Commission approval.
7. Note that the staff will recommend a final plan to implement Section 110 of Public Law 96-295 after receipt and analysis of public comment.

Resources:

Estimates of resources to implement Section 110 can only be projected with assurance after the extent of deviations identified by licensees are better known.

However, while more manpower would be required to review the older operating reactors than those of more recent vintage, we currently estimate that the resources required to conduct the review of equivalence assertions and areas of nonconformance and resolve any ensuing potential safety issues for each operating reactor would average about 2.8 staff years per plant based upon a learning curve process. This is in addition to the resources required to extend the safety issue review of the oldest operating reactors to all other currently operating reactors (SEP Phase III) and to perform the NREP evaluations.

This estimate of additional staff-years per plant could prove to be high if:

1. The responses from the the licensees are sufficiently definitive to facilitate very effective prioritization of issues for subsequent safety evaluation by the NRC; and
2. Most of the areas where equivalence is asserted or potential nonconformance is identified that are selected for further evaluation fall within the scope of what would have been evaluated anyway in the SEP Phase III and NREP programs.

If the staff's plan for selective prioritized evaluation turns out to be unworkable, or if a large fraction of the areas of equivalence and potential nonconformance do not fall within the scope of what would have been reviewed anyway in the SEP Phase III and NREP programs, then the additional resource needs identified above could prove to be underestimates.

Table 1, attached to this paper, presents the latest combined Section 110/SEP/NREP estimated NRC resource requirements for the anticipated duration of the program, (through FY 1990). The resources estimated to be required to accomplish Phase II and Phase III of the SEP are listed separately, as are the estimated NREP resources. Also listed separately is a breakdown of the additional resources estimated to be needed to implement the requirements of Section 110(a) and (b)(1) and (2), including appropriate safety evaluations of licensee responses as to the safety significance of possible deviations from the SRP acceptance requirements.

The total effort for the overall Section 110/SEP/NREP program for operating reactors was levelized at 51 staff-years per year from FY 1982 to FY 1990, inclusive. This is equivalent to about 37 professional staff-years per year. Contractual resources of \$1,000K for FY 83 and \$600K for FY 84-90 are needed to substitute

for some of the NRC staff resource needs in the SEP and Section 110 reviews, so as to levelize the NRC staff resources to the above value. The FY 1982 President's Budget currently includes 38 staff-years for the SEP and IREP/NREP portions of the overall program. The details of the assumptions used to estimate the resources are presented on the second page of Table 1.

The resources to implement Subsections 110(b)(3), (4), and (5) are not large, and the staff intended to carry out the intent of these Subsections in any event. Thus, no additional resources are needed to implement these portions of Public Law 96-295.



William J. Dircks
Executive Director
for Operations

Enclosures:

1. September 30, 1980 Status Report to Congress
2. October 9, 1980 Federal Register Notice on Documentation of Deviations from the SRP
3. October 14, 1980 ACRS Memorandum to W. J. Dircks on Section 110 Plan
4. November 7, 1980 W. J. Dircks Memorandum to ACRS on Section 110 Plan
5. October 24, 1980 Memorandum for the Record from E. W. McGregor on SECY-80-414
6. Staff Analysis of Comments on October 9, 1980 Federal Register Notice
7. Proposed Final Rule on Documentation of Deviations from the SRP
8. Staff Analysis of Regulations of Particular Significance
9. Draft NUREG-0745
10. Proposed Federal Register Notice Announcing NUREG-0745
11. Proposed Public Announcement
12. Proposed Congressional Information Letters

A briefing and possible vote on this paper is scheduled for consideration at an open meeting on Thursday, January 15, 1981.

TABLE 1
Resource Requirements -- SEP/IREP-NREP/Section 110
(Dollars in thousands)

	<u>FY 1981</u>	<u>FY 1982</u>	<u>FY 1983</u>	<u>FY 1984-1990</u> ^{1/}
<u>SEP</u>				
Phase II (11 plants)				
Program Support	\$1,485 ^{2/}	\$ 850	-	-
Staff-Years	32	24	-	-
Phase III (59 plants) ^{3/}				
Program Support	-	-	\$1,650	\$1,000
Staff-Years	-	-	15	25
<u>IREP/NREP</u> (93 plants) ^{6/}				
Program Support	-	\$1,400	\$2,200	\$2,200
Staff-Years	-	6	6	6
<u>Section 110(a), (b)(1) and (2)</u>				
Initial Prioritization of Issues				
Program Support	-	\$ 200	-	-
Staff-Years	7	9	-	-
Review of SEP Phase II plants (11 plants)				
Program Support	-	\$ 600	-	-
Staff-Years	-	12	18	-
Review of remaining operating reactors (82 plants) ^{4/}				
Program Support	-	-	\$ 950	\$1,600
Staff-Years	-	-	12	20
TOTAL				
Program Support	\$1,485 ^{2/}	\$3,050 ^{5/}	\$4,800	\$4,800
Staff-Years	39	51 ^{5/}	51	51

1/ For each fiscal year.

2/ Does not include \$535,000 request for use of prior year unobligated funds.

3/ Based on the current number of operating reactors less the 11 plants in SEP Phase II, and Humboldt Bay and Indian Point 1 which have operating licenses but are shut down indefinitely.

4/ Includes SEP Phase III plants and 23 additional plants to have supplemental SERs issued on or before April 1982 (as identified in SECY-80-508 Enclosure 2, Attachment 4).

5/ FY 1982 President's Budget for SEP and IREP/NREP is 38 staff-years and \$2,250,000.

6/ 82 plants (footnote 4) plus 11 SEP Phase II plants

Resource and Planning Assumptions

SEP Phase III:

to assess the adequacy of design and operation and provide an integrated safety assessment of the Phase III plant issues:

- .06 professional staff-years/issue
- 40 issues/unit
- 59 units
- approximately \$1.0 million in program support per fiscal year^{1/}

NREP:^{2/}

to monitor licensees' performance of analyses

- 0.1 professional staff-years/unit
- \$100,000 program support/unit
- 93 units

to evaluate potential safety issues

- 0.3 professional staff year/unit
- 100,000 program support/unit
- 93 units

Section 110(a), (b)(1) and (2); Public Law 96-295:

to identify and prioritize issues generically

- 11.5 professional staff-years
- \$200,000 program support

to review the documentation submitted by the licensee and prioritize issues

- .5 professional staff-years/unit
- 93 units

to conduct the review of equivalence assertions and areas of nonconformance and resolve any ensuing potential safety issues

- 1.5 professional staff-years/unit
- 93 units
- approximately \$50,000 in program support per in-house staff-year to provide contractual technical review assistance^{1/}

^{1/} Program support is also used to substitute partially for in-house staff at a rate of \$90,000/professional staff-year.

^{2/} These are the same planning assumptions used in the formulation of the FY 1982 budget. However, there are now more plants included in the program, and it extends over a longer period of time.

ENCLOSURE 1

ENCLOSURE 1

STATUS REPORT ON THE EFFORTS OF THE
NUCLEAR REGULATORY COMMISSION TO
DEVELOP AND IMPLEMENT A COMPREHENSIVE
PLAN FOR THE SYSTEMATIC EVALUATION
OF NUCLEAR POWER REACTORS

Subsection 110(a) of Public Law 96-295 (NRC FY 1980 authorization) requires the NRC to develop, submit to Congress, and implement as soon as practicable after notice and opportunity for public comment, a comprehensive plan for the systematic safety evaluation of all currently operating nuclear power plants. The Conference Report states that the above requirement was written so as to enable the NRC to build upon the systematic safety evaluation it is currently conducting for the oldest operating nuclear power plants.

The need to systematically assess the safety of operating reactors resulted in the establishment several years ago of the Systematic Evaluation Program (SEP) by the NRC. One of the objectives of the Program was to extend the experience gained in reviewing older plants to the safety evaluation of all operating reactors. The TMI Action Plan (NUREG-0660, "NRC Action Plan Developed as a Result of the TMI-2 Accident") appropriately recognizes this need in Task IV.E-5, which requires the improved and expanded systematic assessment of the safety of all operating reactors. While there are many other TMI Action Plan tasks that are aimed at operating reactors (such as more emphasis on the review of operating experience), there are two additional tasks that are directly related to the systematic assessment of the safety of operating reactors. These are: (1) Task II.C.1 - Interim Reliability Evaluation Program (IREP), the development of an orderly classification of accident sequences suitable for qualitative analyses and for use in the probabilistic analyses of core melt accidents of a few representative operating plants; and (2) Task II.C.2 - continuation of IREP on all remaining operating plants by means of the National Reliability Evaluation Program (NREP).

Subsection 110(b) identifies certain information that, as a minimum, must be included as part of the systematic safety evaluation plan. Subsections 110(b)(1) and (2) require: the identification of each current rule and regulation, compliance with which the Commission 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 these identified rules and regulations, including an indication of where such compliance was achieved by use of Division 1 Regulatory Guides and staff positions and where compliance was achieved by equivalent means. Subsections 110(b)(3), (4) and (5) require: the identification of all of the

generic safety issues set forth in NUREG-0410, "NRC Program for the Resolution of Generic Issues Related to Nuclear Power Plants," for which technical solutions have been developed; the determination of which of these solutions should be incorporated into the Commission's rules and regulations; and a schedule for developing a technical solution for the remaining generic safety issues.

The need to address generic safety issues in a disciplined manner led to the establishment several years ago by the NRC of the program described in NUREG-0410 and recently to the establishment of the Generic Issues Branch in the NRC's Office of Nuclear Reactor Regulation which has the responsibility for management of the technical resolution of Unresolved Safety Issues and for tracking the status of activities on other designated generic issues. The TMI Action Plan also addresses generic safety issues; e.g., Task IV.E.2 requires the early identification, assessment, and resolution of safety issues.

Integrating the objectives and results of the above programs with the plan to satisfy the requirements of Section 110 will lead to a more efficient use of available resources and to a more comprehensive and unified product.

Subsection 110(c) requires the NRC to provide to Congress a report on the status of the NRC's efforts to satisfy the requirements stated above, not later than 90 days from the date of enactment.

Status

As indicated above, the NRC intends that the plan for the systematic evaluation of all operating reactors efficiently utilize those aspects of the current SEP and IREP programs that are demonstrated to be effective in assuring public health and safety. The plan will also include the NRC's determination of the extent to which each plant complies with the regulations of particular significance and the means of such compliance.

As presently constructed, the current SEP review of the oldest reactors generally is focused on 137 specific safety issues or problems. These were culled, based on experience and engineering judgment, from a larger list of 1100 issues to focus on those issues of greatest potential safety significance. On the other hand, the IREP program is geared toward a reliability assessment of a complete plant. These reviews involve developing plant-specific event and fault trees to identify those systems, subsystems, and components that are the greatest contributors to accident sequences posing risk to public health and safety. Both the SEP and IREP programs look at the safety of the plants from different perspectives, but they are amenable to

integration into a single, coordinated plan of review. However, neither of the programs are based on an explicit comparison with the NRC's safety regulations.

The NRC is developing an overall plan that attempts to integrate the current SEP, IREP, and Generic Issues programs with the specific requirements of Section 110. This plan would treat currently operating plants, operating license applications, and construction permit applications. As currently seen, the principal features of such a plan are described below.

1. The Commission currently has under consideration how to develop the list of what is "of particular safety significance" to the protection of the public health and safety, as required by Section 110(b)(1).
2. The NRC staff will develop a revision of the Standard Review Plan (SRP) by April 1981. The revised Plan will consist of the existing SRP, modified to reference all applicable regulations and those Division I Regulatory Guides, staff positions, and other documents currently used by the staff to interpret the intent of these regulations, including requirements from the TMI accident.
3. All licensees for plants issued operating licenses prior to June 30, 1980^{1/} and those licensees issued operating licenses based on staff SER's or SER TMI supplements issued prior to January 1, 1982 will be required to identify and justify deviations from revised SRP in accordance with the Section 110 plan as approved by the Commission^{2/} after issuance of an operating license.
4. All applicants for OL's for which staff SER's or SER TMI supplements are issued after January 1, 1982 will be required to identify and justify deviations from revised SRP prior to issuance of an operating license.
5. In areas where the plant deviates from the revised SRP, the licensee will be requested to provide a technical discussion as to the safety significance of such deviation, including a judgment as to whether the alternative provides an equivalent method of meeting the regulation. The licensee should also request any needed exemptions. (The licensees' responses may be staggered based on some priority system related to public safety, if the NRC concludes such is necessary for the most efficient use of industry and NRC staff resources.)

^{1/} Date on which P.L. 96-295 (S.262) was signed by the President.

^{2/} Section 110 requires identification of the means of compliance with regulations of "particular significance to the protection of public health and safety." Hence, licensees for plants in this category will be required to justify deviations for only those sections of the revised SRP that implement these particularly significant regulations.

6. All applicants for CP's and ML's for which staff SER's or SER TMI supplements are issued before January 1, 1982 will be required to identify and justify deviations from existing^{3/} SRP and NUREG 0718^{4/} (as modified after public comments) prior to issuance of a construction permit or manufacturing license.
7. All applicants for CP's and ML's for which staff SER's or SER TMI supplements are issued after January 1, 1982 will be required to identify and justify deviations from revised SRP prior to issuance of a construction permit or manufacturing license.
8. In parallel with the above steps, the staff will review and evaluate the generic issues identified in NUREG-0410; and generic issues identified in the TMI Action Plan, the ACRS Generic Issues List, and new issues identified from operating experience or the systematic evaluation program. Plans and schedule will be developed for those issues determined to require resolution within the next several years. A response will be prepared to meet the requirements of Subsections 110(b)(3), (4), and (5).

The basic elements of this approach will be published shortly for public comment. Based on these comments, the Commission will decide what approach to follow.

3/ Standard Review Plan dated May 1980.

4/ Proposed Licensing Requirements for Pending Applications for Construction Permits and Manufacturing License dated August 1980.

ENCLOSURE 2

Proposed Rules

POOR ORIGINAL

Federal Register

Vol. 45, No. 198

Thursday, October 9, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1990

**Biomass Energy and Alcohol Fuels
Loans and Loan Guarantees:
Additional Information**

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule; additional information.

SUMMARY: At 42 FR 51818, August 5, 1980, the Farmers Home Administration (FmHA) published a proposed rule regarding biomass energy and alcohol fuels. The purpose of this document is to provide additional information regarding this program.

FOR FURTHER INFORMATION CONTACT: Mr. Weldon Barton, Director, Office of Renewable Resources, FmHA, Rm. 5175 South Bldg., USDA, 14th and Independence Ave. SW., Washington, D.C. 20250, phone: 202-447-7195.

SUPPLEMENTARY INFORMATION: The Biomass Energy and Alcohol Fuels Act of 1980 (Title II of the Energy Security Act, Public Law 96-294) provides for the solicitation of applications for financial assistance under Subtitle A within 120 days after enactment (i.e., October 28, 1980). Farmers Home Administration (FmHA), USDA, has published (45 FR 51818, August 5, 1980) proposed regulations to establish guidelines for solicitation of such applications and is reviewing comments received pursuant to such publication and related hearings. FmHA expects to publish Final Regulations and to initiate the solicitation of applications as part of such Final Regulations on or before October 28, 1980. Applicants wishing to undertake preliminary preparatory work on such applications may consult the Proposed Regulations but are advised that some changes will be made in them when the Final Regulations are published on or about October 28, 1980. Applications will not be accepted by

FmHA before the solicitation is announced at the time of publication of the Final Regulations.

In general, the FmHA has jurisdiction over projects below 15 million gallons of annual capacity and the Department of Energy has jurisdiction over projects with annual capacity of 15 million gallons and larger, except for projects using forestry feedstocks or projects owned and operated by agricultural cooperative which can be considered by either FmHA or DOE.

Dated: October 9, 1980.

James E. Tinschton,
Associate Administrator, Farmers Home
Administration.

(FR Doc. 80-31785 Filed 10-9-80; 11:41 am)
BILLING CODE 3410-07-48

**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.

DATE: 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, NW., 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 1973, 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 positions¹ and where such compliance was achieved by equivalent means.

In order to carry out the requirements of Pub. L. 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.

¹ 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, 1980,² 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, 1982,³ 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.

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

² The date on which Pub. L. 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.

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.

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 3d day of October 1980.

For the Nuclear Regulatory Commission,

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-31445 Filed 10-9-80; 8:48 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. 1

[Docket No. 20487; Petition Notice No. PR 80-15]

Petition for Rule Making of Rosenbalm Aviation, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of petition for rulemaking; request for comments.

SUMMARY: By letter dated March 31, 1980, Mr. Arthur J. Schmidt, Vice President, Rosenbalm Aviation, Inc., petitioned the Federal Aviation Administration (FAA) to amend §§ 25.832 and 121.220 of the Federal Aviation Regulations (FAR) to exempt large, cargo-only aircraft from installing ozone control equipment or using ozone avoidance procedures.

DATES: Comments must be received on or before December 10, 1980.

ADDRESS: Send comments on the petition in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204).

ENCLOSURE 3



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20545

ENCLOSURE 3

October 14, 1980

MEMORANDUM FOR: William J. Dircks, Executive Director for Operations
FROM: Raymond F. Fraley, *Raymond F. Fraley* Executive Director, ACRS
SUBJECT: COMMENTS ON THE NRC STAFF'S PRELIMINARY PLANS FOR ADDRESSING
THE REQUIREMENTS IN SECTION 110 OF THE FY-80 NRC AUTHORIZATION BILL

During its 246th meeting, October 9-11, 1980, the ACRS discussed with the NRC Staff their preliminary plans for addressing the requirements of Section 110 of the NRC FY-80 Authorization Bill. The Staff also discussed this subject with the Reactor Operations Subcommittee on October 7, 1980 and requested ACRS comments. The Committee had the benefit of written comments by the Atomic Industrial Forum.

It is the Committee's view that the lists derived from Criteria II and III as currently presented by the NRC Staff do not include all the items of particular significance to safety. For example, General Design Criterion 29 is not included. Additional screening should be done to ensure that all items of particular significance are included. The Committee also recommends that some other groups within the NRC Staff, such as PAS and AEOD, carry out an independent review in order to increase the likelihood that the screening process has not omitted items of particular significance. This review could also be used to establish a priority, based on risk reduction potential, in which the review items should be addressed.

The Committee noted your comment on SECY-80-414 and endorses your intent to implement tight management controls to limit staff and industry effort to areas of potential safety payoff; guarding against the potential for a large drain on Staff and licensee resources that would not produce commensurate improvements in safety. The Committee would appreciate being kept informed of additional developments in this area, particularly on the nature of comments received as a result of the call for public comments scheduled to begin following issuance by the Staff of the final draft plan for addressing Section 110.

cc: ACRS Members
H. Denton, NRR
F. Schroeder, DST
A. Ernst, DST
G. Zach, NRR
S. Chilk, SECY

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ENCLOSURE 4