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PROPOSED RULE

PR 50
45 FR 67099

Omaha Public Power District

1623 HARNEY ■ OMAHA, NEBRASKA 68102 ■ TELEPHONE 536-4000 AREA CODE 402

November 24, 1980



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

Attention: Docketing & Service Branch

Gentlemen:

The following comments are in reference to the Nuclear Regulatory Commission's notice of proposed rulemaking regarding 10 CFR Part 50, "Plan to Require Licensees and Applicants to Document Deviations From the Standard Review Plan", as noted in the Federal Register, Volume 45, No. 198, dated Thursday, October 9, 1980. As owner and operator of the Fort Calhoun Station Unit No. 1 nuclear power station, the Omaha Public Power District believes the proposed rulemaking has a potential for causing a very significant expenditure by licensees of nuclear power stations, without a demonstrated commensurate increase in protection of the public health and safety.

In the proposed rulemaking, the NRC proposes to use a document prepared for the guidance of NRC staff reviewers and impose that guidance as a licensing requirement. This proposed action essentially elevates this guidance to regulation status. The District believes that this practice is contrary to the Commission's established policies of soliciting public review and comment on proposed regulations prior to final rulemaking. The Omaha Public Power District believes that the Commission's Standard Review Plan should remain a guidance document for NRC staff use. Any new document containing a listing of regulations for the reviews and evaluations referenced in the proposed rulemaking should be developed using the established policy of allowing public review and comment.

A factor ignored in the proposed rulemaking is the evolutionary nature of nuclear power plant design. Plants of earlier vintage were designed using significantly different criteria than plants being constructed today and trying to resolve this difference would be difficult, if even possible. In effect, the proposed rules would penalize those licensees with older plants by placing a greater burden on them than those with newer generation plants. Additionally, the District questions the validity of imposing a new "total plant" design criteria on a plant designed under a different set of guidelines.

Acknowledged by card... 11/28/80

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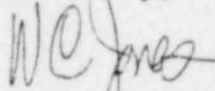
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The Omaha Public Power District calls to the Commission's attention the requirement for certain licensees of nuclear power plants to update their Final Safety Analysis Reports (Federal Register, Volume 45, Friday, May 9, 1980) by July 22, 1982. In that rule, it was recognized that licensees participating in the systematic evaluation program (SEP) "...probably will be requested to supply considerable amount of information during the program. Requiring them, in addition, to update the FSAR could prove to be excessively burdensome and could result in duplication of reports. The information generated during the program and the manner in which it is collated will result in a completed FSAR at the conclusion of the program. For these reasons licensees of facilities being subjected by the NRC to a systematic evaluation program will not be required to comply with the provisions of this rule...." We believe that the actions proposed in the Standard Review Plan rulemaking will prove to be as burdensome and will result in duplication of reports to essentially the same extent as discussed in the FSAR rulemaking. Accordingly, we suggest the Commission follow the established precedent for this proposed rulemaking and coordinate the Standard Review Plan rulemaking with a revised FSAR rulemaking.

Completing an FSAR update and Standard Review Plan review simultaneously, in addition to taxing available staff or consultant resources, results in wasted effort. FSAR sections would have to be updated once for the previous time lag and again for Standard Review Plan requirements, which may be different than the basis of the FSAR.

The Omaha Public Power District also believes that the determination of the degree of compliance with the significant regulation should be performed by the NRC staff. The licensees would be placed in a duplicitous role if the proposed rule was to be issued. The licensees would be expected to identify and also justify their design weaknesses which is contrary to their own self-interest. The determination of licensees' compliance with regulations is primarily the function of regulatory agencies and especially for the NRC. Licensees must assure compliance with regulations by implementing procedures and practices to provide a high level of assurance that all regulatory requirements are satisfied. We submit that it was not the intent of the Congressional directive for the NRC to abnegate the responsibility for verification of regulatory compliance to the licensees.

Sincerely,



W. C. Jones
Division Manager
Production Operations

WCJ/KJM:jmm

cc: LeBoeuf, Lamb, Leiby & MacRae
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