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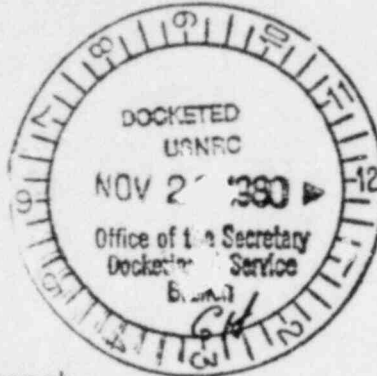
DOCKET NUMBER
PROPOSED RULE PR 50

45FR67099

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November 24, 1980
NS-TMA-2335

Mr. Samuel J. Chilk, Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

ATTENTION: Docketing and Service Branch

SUBJECT: Comments to Proposed Rule - Plan to Require Licensees
and Applicants to Document Deviations from the
Standard Review Plan

Dear Mr. Chilk:

This letter is in response to the Commission's request for comment on a Proposed Rule for a Plan to Require Licensees and Applicants to Document Deviations from the Standard Review Plan, 45 Fed. Reg. 67099 (October 9, 1980).

Westinghouse regards the proposed regulatory program as unnecessary and burdensome to the nuclear power plant industry with no substantive contribution to plant safety. The subject notice does not adequately define the basis and criteria of the proposed program nor is the basis and choice of regulations of "particular significance" identified. Also, this notice requires licensees to expend effort in a documentation effort rather than more important safety impact programs; e.g., reliability studies, operational data feedback, and implementation of specific Action Plan items. The industry does not need an extensive paperwork activity which will contribute little to improving safety.

The proposed use of the Standard Review Plan (SRP) as the basic documents for comparison is completely inappropriate. The SRP's were written as internal documents to provide guidance and assistance to the NRC Staff in reviewing licensee applications. They were developed without complete technical review or public comment. To escalate the status of the SRP "... to be equivalent to Division 1 Regulatory Guides..." is again completely inappropriate and against the normal and legal practice of the NRC. The governing regulations in the Code of Federal Regulations that are developed with the pedigree recognized are the General Design Criteria, 10CFR50 Appendices and Regulatory Guides. These regulations are developed with proper regulatory (i.e., Commissioners, Staff and ACRS) and public review. The requirement set forth by Section 110 of the NRC Authorization Act can be achieved by (1) defining those regulations that are of "particular safety significance" and (2) requiring submittals by licensees that define the extent of compliance with these regulations. The licensee submittals could include statements on the

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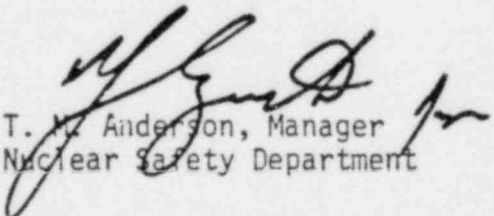
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degree of compliance with those regulatory guides which are derived from the regulations of particular importance for the protection of the public health and safety. We also wish to point out that the safety evaluation of any deviation from a "particularly significant" regulation can only be accomplished through the use of a safety goal and the methodology to determine if this goal is met.

In our judgment, with the information available, the burden to comply with the NRC's proposed rule will be much greater than the NRC estimated average 10,000 man-hours for 10CFR50.71(e) FSAR update requirements (which requires compliance in the same time frame). Also since the FSAR update requires a review, description, and documentation of the existing plant configuration and operation, it is unreasonable to require deviation documentation before the update effort is completed. The manpower to address this proposed rule will be the same needed for programs and evaluations beneficial to safety improvement, not documentation.

Westinghouse recommends the NRC consider these comments before taking any action on this proposed rulemaking. We would be pleased to discuss our comments with you.

Very truly yours,



T. M. Anderson, Manager
Nuclear Safety Department

RAW/WRS/bek

cc: M. L. Ernst