



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

ACRSR-0992
PDR 092382

September 14, 1982

Honorable Nunzio J. Palladino
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DESIGNATED ORIGINAL:
Certified By per ACRS

Dear Dr. Palladino:

SUBJECT: ACRS REPORT ON SECY-82-326: BACKFITTING: PROPOSED RULE AND POLICY STATEMENT

During its 269th meeting, September 9-11, 1982, the Advisory Committee on Reactor Safeguards reviewed SECY-82-326: Backfitting: Proposed Rule and Policy Statement. In its review, the ACRS had the benefit of a Subcommittee meeting held September 8, 1982 and of discussions with J. Tourtellotte, Chairman of the Regulatory Reform Task Force and with representatives of the NRC Staff.

While we believe that the NRC should exercise more discipline in its backfitting actions, we do not believe that the proposed rule is either a necessary or desirable way to accomplish this. What is needed are the development of criteria for backfitting and the proper implementation of the existing rule.

With respect to the proposed revision of 10 CFR 50.109, we are especially concerned with the statement of conditions that must be met before backfitting can be required.

We believe that the proposed rule would also make it unnecessarily difficult for the NRC to obtain the information it needs to examine safety issues. We believe that the NRC should have flexibility in obtaining information from licensees and construction permit holders and that any needed controls should be exercised by upper management within the NRC Staff.

If the Commission decides to achieve some change via the mechanism of a new rule, we believe it should reflect the above considerations. The Committee would like to review any new proposal for changing the backfitting rule.

Dr. Forrest J. Remick did not participate in Committee deliberations regarding this matter.

Sincerely,

P. Shewmon
Chairman

8208290023

XA