

D509

Moni Day
57FR 4166
2/4/92

Omaha Public Power District
444 South 16th Street Mall
Omaha, Nebraska 68102-2247
402/636-2000

12

May 1, 1992
LIC-92-164R

Mr. Samuel J. Chilk
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, DC 20555

USNRC
OFFICE OF ADMINISTRATION
92 MAY -5 P 3:38

References: Docket No. 50-285

Dear Mr. Chilk:

SUBJECT: Comments on Petition for Rulemaking: Elimination of Requirements
Marginal to Safety

Omaha Public Power District (OPPD) has reviewed the subject petition for rulemaking as published in the Federal Register on February 4, 1992 (57 FR 4166) and provides the following comments.

Conclusion B (2) of the subject petition stated that the allowable leakage rate used in containment testing per Appendix J of 10 CFR 50 may be increased. Such an increase would be beneficial to OPPD, as the Type A ILRT duration could then be reduced. An increase in the leakage rate also would allow more flexibility in the management of the Type B & C leakage test results. This would reduce the emergent outage repair work and result in cost savings. This approach recognizes that the current prescriptive regulation for containment leakage has a small effect on off-site dosages. OPPD favors this approach for containment performance, including a leakage rate, as a replacement for 10 CFR 50 Part 100 dose calculation methods currently employed.

Conclusion C of the subject petition states that decreasing the prescriptiveness of some regulations may improve their effectiveness by providing flexibility to licensees without reducing safety. OPPD concurs with this conclusion, especially with respect to 10 CFR 50 Appendix R. While the approach of decreasing prescriptiveness is in limited use under the guidelines of Generic Letter 86-10 (Implementation of Fire Protection Requirements), the regulations still often require OPPD's Fire Protection Program capabilities to greatly exceed the postulated hazard with no significant increase in safety.

It should be noted that the guidelines of Generic Letter 86-10 do not require submittal to the NRC of documents justifying compliance. Each licensee does maintain, subject to audit, adequate documentation to demonstrate compliance. A similar treatment for other issues would be viewed favorably by OPPD.

Conclusion C also states that there is considerable uncertainty whether licensees would take advantage of the flexibility offered by non-prescriptive regulations and develop, for NRC approval, alternative approaches to meet the performance objectives contained in the revised regulations. The flexibility offered by the non-prescriptive regulations would be of great advantage to licensees.

9205080034 920501
PDR PR
MISC 57FR4166 PDR

OPPD's response to Generic Letter 88-20 (Requirement for All Plants to Perform an IPE) included a commitment to perform a full scope, comprehensive PRA. The response discussed extensive use of in-house staff to obtain one tool necessary to implement the proposed non-prescriptive regulations. Specifically, our PRA will provide a powerful tool for assessing regulatory requirements and their impact on public safety.

If you should have any questions, please contact me.

Sincerely,



W. G. Gates
Division Manager
Nuclear Operations

WGG/sel

c: LeBoeuf, Lamb, Leiby & MacRae
D. L. Wigginton, NRC Senior Project Manager
S. D. Bloom, NRC Project Engineer
R. D. Martin, NRC Regional Administrator, Region IV
R. P. Mullikin, NRC Senior Resident Inspector