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July 07, 1997
RC-97-0134

*62FR 24997
May 7, 1997*

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Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Gentlemen:

Subject: VIRGIL C. SUMMER NUCLEAR STATION (VCSNS)
DOCKET NO. 50/395
NRC REQUEST FOR PUBLIC COMMENT ON NUREG-1606,
PROPOSED REGULATORY GUIDANCE RELATED TO
IMPLEMENTATION OF 10 CFR 50.59 (CHANGES, TESTS, OR
EXPERIMENTS)

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RULES & DIR. BRANCH
US NRC

Pursuant to your request for comments, South Carolina Electric and Gas Company (SCE&G) submits the following comments concerning NUREG-1606, Proposed Regulatory Guidance Related to Implementation of 10 CFR 50.59 (Changes, Tests, or Experiments).

SCE&G supports the positions and comments filed by the Nuclear Energy Institute (NEI) and Winston and Strawn. Their comments are supplemented by our additional specific comments intended to emphasize the lack of necessity to issue this guidance which serves neither to clarify nor simplify the scope/process of making changes to the facility under 10 CFR 50.59.

A new rule embellishing on the scope of safety evaluations is not needed at this time. The NRC already has the necessary tools to address plant specific 50.59 implementation issues. The proposed guidance in NUREG-1606 and related NRC positions have profound implications for licensees. The NRC's proposal would significantly change the way licensees have implemented established regulatory processes such as 10 CFR 50.59 for over 30 years. It is essential that the NRC thoroughly analyze all the impacts of the proposed guidance before imposing it on licensees. SCE&G strongly supports the significant legal and backfitting issues raised by Winston and Strawn and NEI.

Expanding the scope of 10 CFR 50.59 would bring new items and components into the scope, resulting in an increase in the number of screenings, evaluations and potential unreviewed safety questions. This could result in delays to, or even cancellations of, desirable plant improvements if prior NRC approval is required. Such action would impose a significant burden on licensees and the

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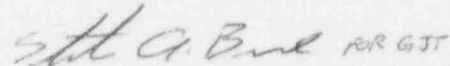
KJW, Doc

NRC Staff, with the potential to delay implementation of safety significant changes to the detriment of the facility and the nuclear industry.

Accordingly, as noted in Section IV.A.4 of draft NUREG-1606, rule changes would not likely pass the backfitting analysis provisions of 10 CFR 50.109. Because the changes would impose new requirements or represent new policy, they would not fall within the compliance exception to the backfitting rule. The NRC's proposed change in policy for the enforcement of 10 CFR 50.71(e) as a more substantive rule (directed in SECY-97-036) represents a new interpretation of the rule that also would not meet the compliance exception to the backfitting rule.

Should you have any questions, please call Mr. Michael J. Zaccone at (803) 345-4328.

Very Truly Yours,

Handwritten signature of Gary J. Taylor in cursive, with the initials "RR GJT" written in the right margin.

Gary J. Taylor

MJZ/GJT

c: J. L. Skolds
W. F. Conway
R. R. Mahan
R. J. White
L. A. Reyes
A. R. Johnson
NRC Resident Inspector
J. B. Knotts
NSRC
RTS (NRG 1606)
File (811.10)
DMS (RC-97-134)

July 07, 1997
RC-97-0XXX

Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Gentlemen:

Subject: VIRGIL C. SUMMER NUCLEAR STATION (VCSNS)
DOCKET NO. 50/395
OPERATING LICENSE NO. NPF-12
NRC REQUEST FOR PUBLIC COMMENT ON NUREG 1606,
PROPOSED REGULATORY GUIDANCE RELATED TO
IMPLEMENTATION OF 10 CFR 50.59 (CHANGES, TESTS, OR
EXPERIMENTS), DRAFT REPORT FOR COMMENT

Pursuant to your request for comments, South Carolina Electric & Gas (SCE&G) submits the following comments in response to the Nuclear Regulatory Commission's (NRC's) request for public comment on NUREG 1606, Proposed Regulatory Guidance Related to Implementation of 10 Cfr 50.59 (Changes, Tests, or Experiments), Draft Report for Comment.

We support the position and comments filed by the Nuclear Energy Institute. These comments are supplemented by limited exceptions to NEI's comments and by additional specific comments intended to emphasize more strongly the lack of necessity in issuing guidance which serves neither to clarify nor simplify the scope or process of making changes to the facility under 10 CFR 50.59.

A new rule regarding the scope of safety evaluations is simply not needed at this time. The NRC's proposal is not needed to send a signal to licensees. There does not appear to be an issue of safety concern, only one of regulatory interpretation. The NRC already has the necessary tools to address problems when they occur, and has responded effectively to past problems.

The NRC should not attempt to improve through broad regulation, the "perception" that Congress and the public may hold regarding the NRC's ability to perform its regulatory function. The proposal, with its combination of a sweeping performance requirement and very specific or prescriptive "definitions" would lead to an unnecessary enforcement-based approach. Consistent with past history, the enforcement-based approach would lead to numerous violations for specific incidents, issues or failures that may have little or no safety

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impact the operation of the facility, and would have little safety benefit, as concluded in past NRC assessments related to compiling the Current Licensing Basis. Accordingly, as noted in Section IV.A.4 of draft NUREG-1606, rule changes would not likely pass the backfitting analysis provisions of 10CFR50.109. Because the changes would impose new requirements or represent new policy, they would not fall within the compliance exception to the backfitting rule. The NRC's proposed change in policy for the enforcement of 10CFR50.71(e) as a more substantive rule (directed in SECY-97-036) represents a new interpretation of the rule that also would not meet the compliance exception to the backfitting rule.

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