



AA61-2 PDR

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

JUN 11 1985

J. Dorian

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Thanks  
Dial 3:11  
Five made the  
necessary changes for  
#s 1 to 5.  
Number 6 would  
depend on which  
Option the  
Commission  
decides on.  
JDM  
6/13

MEMORANDUM FOR: William J. Olmstead, Director  
and Chief Counsel  
Regulations Division  
Office of the Executive Legal Director

FROM: Darrell G. Eisenhut, Deputy Director  
Office of Nuclear Reactor Regulation

SUBJECT: COMMENTS CONCERNING DRAFT FINAL SHOLLY RULE  
DATED 02/20/85

Over the last few days, we have reviewed the Option Paper regarding Sholly prepared by OELD and NRR concurred in that paper on June 6, 1985. We have also put together the following comments on the final Sholly rule (dated February 20, 1985). While these are being provided, we should note that NRR is more inclined to support a clean "Choice 3" from your Option Paper.

1. On page 38, Section (ix)(1) concerning repairs or replacement of a major component or system important to safety, the following should be deleted: "a number of times", "in the nuclear industry", and "with respect to occupational exposure the process". These phrases are too restrictive and do not give credit for engineering experience gained from other industries.
2. On page 50, under the "Response" section, the wording describing "emergency situations" has changed significantly from the December 20, 1984 version of the draft Sholly Rule. We prefer the earlier version. The final regulation should clearly state that emergency situations include allowing start-up or increasing power levels to the maximum allowed by the license. This is our present practice and it should be clearly stated in the final rule.
3. On page 52 under the "Response" for emergency situations, the section should clarify whether or not economic emergencies can be included in allowing start-up when NSHC are involved.
4. On page 73 under the Section "Additional Explanations for Table on "Sholly" Statistics", the first paragraph would be better worded as follows:

CONTACT:  
J. Thoma  
x-28213

8506210392 XA  
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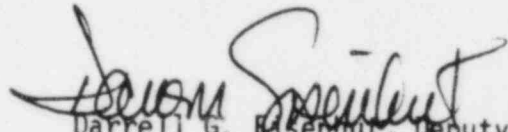
JUN 11 1985

- 2 -

Out of a total of 1783 notices of no significant hazards considerations, the Commission received requests for hearings on 12 notices. Out of a total of 27 notices of significant hazards considerations, the Commission received requests for hearings on 3 notices.

5. On page 99 Section 50.91(a)(2) delete the word "monthly" in front of "Federal Register" to allow batch publication more often than monthly. We plan to issue compiled notices on a semi-monthly basis.
6. The rule should be revised to allow the NRC to publish or issue the applicants proposed determination in lieu of doing a de novo review. We would expect this approach to be followed on most notices.

If necessary, we will be happy to meet with you to discuss the final version before issuance.

  
Darrell G. Eisenhut, Deputy Director  
Office of Nuclear Reactor Regulation

cc: T. Dorian