



DSI-12

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NSD-NRC-96-4892

November 25, 1996

Mr. John C. Hoyle
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001



Attention: Chief, Docketing and Service Branch

Subject: NRC Strategic Assessment and Rebaselining (61 Federal Register 195; October 7, 1996), Request for Comments

Dear Mr. Hoyle:

Westinghouse has reviewed the Direction Setting Issue (DSI) papers which form a part of the NRC Strategic Assessment and Rebaselining Initiative. We support and endorse the comments being provided by the Nuclear Energy Institute (NEI) on behalf of the nuclear power industry. In addition, we have provided additional comments, included as an attachment herein, to certain DSI papers of specific significance to Westinghouse.

We appreciate the opportunity to comment on these important issues. Additionally, Westinghouse is always willing to meet with the NRC to further discuss any facet of our comments. Should you wish to discuss our comments in greater detail, please contact Mr. H. A. Sepp, Manager, Regulatory and Licensing Initiatives at (412) 374-5282 at your convenience.

Very truly yours,

N. J. Liparulo, Manager
Regulatory and Engineering Networks

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Attachment

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Westinghouse Comments
on
Direction Setting Issue Papers
from
NRC Strategic Assessment and Rebaselining Initiative

DSI 12: RISK-INFORMED, PERFORMANCE-BASED REGULATION

Westinghouse Comments:

1. The NRC should separate the reactor area from the materials area in terms of applying risk-informed performance-based regulation because a) the current state of the art differs, b) the industry acceptance of the use of risk-informed is significantly different, and c) the benefits from the use of risk-informed is greater in the reactor area than the materials area.
2. There is mention of the relationship between NRC and EPA but no discussion of the relationship between NRC and DOE. Should there be?
3. Other issues should be addressed in this issue paper including 1) communication of this topic in more straightforward terms and 2) the issue raised in a recent SECY report on where or not PSAs will have to be docketed and subject to potential litigation to be used.
4. Under the paper reduction act, the way in which the maintenance rule has been developed and the submission of information should be shown as a positive way to address this act.
5. We support the recommended options of a combination of options 1 and 3. The NRC should choose a combination of Option 1 (Continue Current Process) and Option 3 (Perform a Comprehensive Assessment of NRC Regulatory Approaches). Under Option 1, the industry has spent significant resources to develop applications to reduce the burden and to stop that process and move towards another would be disastrous. With Option 3, this will allow for the industry to understand where the NRC's burdens are in terms of regulation and may lead to new applications that the industry may be interested in. Currently the majority of the current initiatives being examined benefit primarily the industry and do not necessarily reduce the NRC's burden. It will be the NRC's responsibility to identify areas where they could reduce their burden.
6. Although this paper talks about the future, if the NRC does not consider using risk-informed regulation for single utility items such as tech spec AOT changes in the near term (possibly approve some relief now with the caveat that if the results from their regulatory guide and SRP development identify additional issues, that they be fed back into the evaluation process), the industry's movement toward this approach may fall off significantly. The utility's staff cannot continue to justify support for risk-informed applications without some payback in the near term (next 6 months to 1 year).