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February 9, 1981  
NSL-KAH-81-017

Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Docketing and Services Branch

Subject: COMMENTS ON ADVANCE NOTICE OF PROPOSED  
RULEMAKING REGARDING DESIGN CHANGES AFTER  
ISSUANCE OF CONSTRUCTION PERMIT

The Supply System has reviewed the advance notice of proposed rulemaking entitled, "Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permits." Specific comments on the five proposed alternatives are provided in the attachment. In general, we suggest maintenance of the status quo to be the most satisfactory option in the short term for those plants which are well along towards completion. NRC Staff endeavors would be more appropriately focused on working off the backlog of licensable plants resulting from the TMI Action Plan clarification process.

The long term solution, to be pursued on a not-to-interfere basis and only for those plants which will enter the licensing pipeline many years hence, is to develop a one step licensing review process which avoids unnecessary litigation. In that the industry is already faced with a preponderance of guidance in the form of Regulatory Guidelines and Standard Review Plans and is also confronted with the potentially monumental review task implicit in the Bingham Amendments, the proposed rulemaking appears unnecessarily duplicative.

Please contact me if you have any questions regarding our comments.

Very truly yours,

*GD Bouchey*  
G. D. Bouchey, Director  
Nuclear Safety

bk  
Attachment

cc: N. S. Reynolds, D&L

AUTHOR:	KA Hadley <i>W. Woods, NUS</i>	FOR SIGNATURE OF:	<i>GD Bouchey</i>
SECTION			
FOR APPROVAL OF	GC Sorensen		
APPROVED	<i>HC Sorensen</i>		
DATE			

WP 114

DUPE 8103090358 (3pp.)



COMMENTS ON PROPOSED RULEMAKING REGARDING DESIGN  
CHANGES AFTER ISSUANCE OF CONSTRUCTION PERMIT

The key question to be posed prior to adopting a new rule is, "have current Construction Permit holders abused the present system to an extent which warrants an enforceable policy to ensure compliance with existing criteria?" We believe the answer to this question is "No." Contrary to the advance notice's basic premise, an additional rule is not necessary to legally require a Construction Permit holder to obtain NRC approval prior to implementing safety-related changes.

Under the present regulations, an applicant must carefully review proposed design changes to determine if "principal architectural and engineering criteria" are impacted. If so, the staff is advised of this fact and a PSAR amendment, describing the modifications, is filed for NRC staff review. If principal criteria are not being revised, the changes are documented internally by the applicant for review by NRC Inspection and Enforcement personnel and for future inclusion in the FSAR.

The NRC is notified, through reports filed under 10CFR50.55(e), of changes required to correct design deficiencies in safety-related systems.

We do not feel that the present system represents a problem of sufficient magnitude to warrant the diversion of industry and staff manpower from other, more pressing needs. We therefore see no advantage to be gained by adoption of alternatives 2, 3 or 4.

In the longer range, for new plants filing for Construction Permits in the future, we agree with the NRC proposal to apply alternative 5. We feel very strongly that a one-step CP/OL licensing process is required to provide the standardization and stability necessary for the nuclear industry.

Recommendations

The following recommendations are proposed:

1. The status quo should be maintained for those plants currently possessing a construction permit.
2. Generation of any rule which attempts to define general or principal criteria (alternative 2 and 3) should be indefinitely postponed until the backlog of operating licenses is diminished to a manageable level. Future devotion of staff resources for the proposed project should proceed only on a basis not to interfere with more pressing issues.



3. The NRC goal should be to make a smooth transition from the present process to alternative 5. An intermediate transition to alternate 3 or development of new rules is not warranted, based on our perception of present practice.

