

DOCKET NUMBER  
PROPOSED RULE PR 50  
(57 FR 44513)



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Westinghouse  
Electric Corporation

Energy Systems

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ET-NRC-92-3788  
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December 22, 1992

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

ATTENTION: DOCKETING AND SERVICE BRANCH

SUBJECT: "Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations" (57 Fed. Reg. 44513, September 28, 1992) - Advanced Notice of Proposed Rulemaking (ANPR)

Dear Mr. Chilk:

The purpose of this letter is to provide Westinghouse Electric Corporation comments on the subject proposed rulemaking.

On June 26, 1992, Westinghouse submitted to the NRC an application for final design approval (FDA) under Appendix O to 10 CFR Part 52 and a Standard Design Certification (DC) under 10 CFR Part 52 for the AP600 plant design. As one of the three vendors with Advanced Light Water Reactor (ALWR) designs currently under review by the NRC, we have carefully reviewed the subject ANPR with particular focus on the impacts the proposed rulemaking would have on the pursuit of the FDA and DC for the AP600 design.

Westinghouse believes that generic rulemaking to address severe accident issues for future plants is neither necessary nor desirable. Contrary to a stated purpose of the proposed rule, we believe that the proposed rulemaking will not "facilitate design certification rulemaking" but would instead increase uncertainty with little or no added value. To pursue generic rulemaking for severe accidents at this point in the AP600 Design Certification effort would at best result in a duplication of effort, as well as a duplication of regulation and guidance. The intrusion of such rulemaking at this time introduces substantial uncertainty and confusion into the Part 52 licensing process, and could easily jeopardize design certification for the AP600 as well as other advanced plants.

ALWR severe accident issues are presently being addressed by the industry and NRC through the ALWR Utility Requirements Document (URD) and design certification interactions. The utility requirements developed for both evolutionary and passive plant designs address a wide spectrum of severe accident phenomena and containment challenges. The Westinghouse AP600 is designed to meet the utility requirements for passive ALWR designs. As such, we believe that NRC review of the

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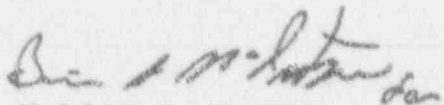
URD, as well as the design certification review of the AP600 design, provides the preferable method for resolution of severe accident technical issues. This process allows for generic resolution of severe accident issues to the extent possible via the ALWR URD and review and codification of design specific implementation as part of the AP600 design certification process.

We are particularly concerned that a generic rulemaking for severe accidents separate from the design certification process will significantly disrupt the design certification process being pursued for the AP600 with the potential for causing costly and unwarranted delays. As noted in the ANPR, "this rule would be generally applicable to passive LWR designs. However, as detailed design information becomes available and review of the passive systems is completed, further rulemaking may be necessary." The implication is that the net result of this potential series of generic rulemakings is a rule which would reflect the information obtained through the specific passive plant design certifications. Thus there is no need for a separate rulemaking at this time. We expect the Design Certification application for the AP600 to be docketed within the next month (a docket number has already been assigned). The review of the AP600 design by the NRC staff is already in process and we expect the AP600 FDA to be issued in mid to late 1994. This time frame does not lend itself to the process envisioned in the ANPR.

Westinghouse has participated in the preparation of industry comments on the proposed rulemaking and we support the comments being offered on this subject by NUMARC.

We appreciate this opportunity to comment on the proposed rulemaking and urge that the Commission not proceed with the proposed generic rulemaking for severe accidents. As discussed above, we believe the NRC staff should continue to work toward resolution of severe accident issues for advanced plants via the design certification process.

Very truly yours,



N. J. Liparulo, Manager  
Nuclear Safety and Regulatory Activities

/nja

cc: The Honorable Ivan Selin, Chairman  
Commissioner Kenneth C. Rogers  
Commissioner James R. Curtiss  
Commissioner Forrest J. Remick  
Commissioner E. Gail de Planque  
Mr. J. Taylor, EDO