



Westinghouse
Electric Corporation

Water Reactor
Divisions DOCKET NUMBER

Nuclear Technology Division

Box 355
Pittsburgh Pennsylvania 15230

PROPOSED RULE

PR-50 (30)

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

April 13, 1981
NS-TMA-2438

ATTN: Docketing and Service Branch

SUBJECT: Licensing Requirements for Pending Construction
Permit and Manufacturing License Applications
45 Fed. Reg. 18085, March 23, 1981

Dear Mr. Chilk:

This letter is in response to the Commission's request for comments on the proposed rule setting forth licensing requirements applicable only to construction permit and manufacturing license applications pending at the effective date of the rule.

Westinghouse believes that, with respect to both construction permit and manufacturing license applications, the requirements in the proposed rule will provide ample protection of the health and safety of the public. Hence, the rule should be applied to both construction permit and manufacturing license applications. The particular requirement with regard to the amount of hydrogen to be used in design basis evaluations of containment structures and hydrogen control systems is very conservative when compared to realistic estimates of the amount of hydrogen generated by the TMI accident.

Risk evaluations performed since TMI by the NRC Staff and others indicate that containment venting provisions required by the proposed rule are not likely to provide a significant contribution to safety. In light of the ongoing generic NRC proceedings with respect to safety goals and methodology, degraded core cooling, siting and emergency planning, the Commission should make it clear that the final rule when adopted is an interim rule to be applied pending the outcome of these proceedings and the risk assessments required by the rule.

In regard to other issues addressed in the October 2, 1980 notice of proposed rulemaking, Westinghouse reiterates its comments made in a letter dated November 24, 1980, a copy of which is attached.

Westinghouse is in favor of covering the pending manufacturing license application by Offshore Power Systems, Inc., as explained above.

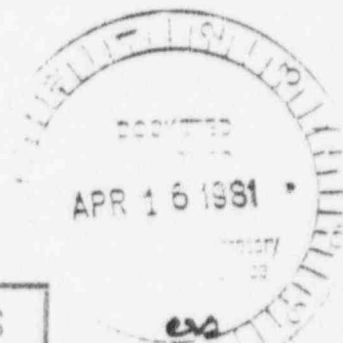
Very truly yours,

for T. M. Anderson, Manager
Nuclear Safety Department

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Attachment


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Westinghouse
Electric Corporation

Water Reactor
Divisions


Nuclear Technology Division
Box 355
Pittsburgh Pennsylvania 15200

November 24, 1980
NS-TMA-2345

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

ATTN: Docketing and Service Branch

SUBJECT: PROPOSED LICENSING REQUIREMENTS FOR PENDING CONSTRUCTION
PERMIT AND MANUFACTURING LICENSE APPLICATIONS

Dear Sir:

This letter is in response to the Commission's request for comments on the subject notice of proposed rulemaking, 45 Fed. Reg. 65247 (October 2, 1980).

The notice is basically divided into two parts. The first addresses TMI-related requirements that should be applied in the review of applications for construction permits and manufacturing licenses. The second would require applicants to document deviations from the Standard Review Plan (SRP). Our comments address only the first part. The second part dealing with deviations from the SRP was subsumed into a subsequent Federal Register Notice (45 Fed. Reg. 67099) dated October 9, 1980 to which Westinghouse will respond separately.

Westinghouse believes that Option 1, to resume licensing using the current regulatory (pre-TMI construction permit) requirements augmented by specifically identified NUREG-0660 items, is the only logical approach to resuming licensing pending completion of generic rulemaking proceedings. In our opinion, the requirements that are now defined, established, and being implemented for nuclear power plants as documented by the Commission's Policy Statement (NUREG-0694) dated June 16, 1980 should be sufficient to address the TMI lessons learned in the interim. These items include design, organization and operation considerations that can be implemented in a realistic and cost effective manner. The remaining items of NUREG-0660 should be addressed pursuant to the NRC rules of practice governing the process for development and adoption of new requirements rather than through piecemeal litigation of contentions in construction permit and manufacturing license proceedings.

Westinghouse believes that Options 2 and 3 are neither appropriate nor in conformance with longstanding NRC practice. Any application for construction permit or manufacturing license is subject to current regulatory requirements at the time of its approval. Although the permit or license granted is subject

November 24, 1980
NS-TMA-2345

to rereview under regulations in effect at the time an operating license is granted, it has been held that neither the applicant nor the NRC is required to speculate as to future regulatory requirements which may or may not be imposed. In situations in which the Commission determines that actions are necessary in anticipation of the results of rulemaking proceedings, the practice has been to establish specific objective interim acceptance criteria.

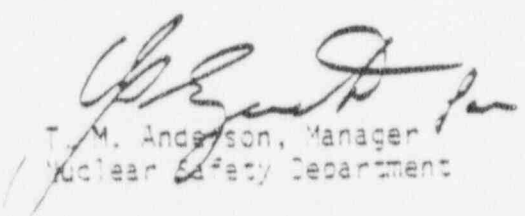
The NRC has announced its intent to conduct generic proceedings with respect to safety goals and methodology, degraded core cooling, siting and emergency planning. Those proceedings, when concluded, will establish any new regulatory requirements, the extent to which those new requirements will be applied (prospectively or retrospectively), as well as any prerequisites for their applicability. Further, the Commission has already received comments and has under consideration a proposed interim rule with respect to hydrogen control and certain degraded core considerations. Westinghouse believes that the scope of the proposed interim rule, provided due consideration is given to the comments received, together with current regulatory requirements, will provide adequate assurance of the protection of the health and safety of the public for purposes of the review of construction permit and manufacturing license applications.

The four specific areas identified by the Commission's notice, i.e., siting, degraded core rulemaking, reliability engineering and emergency preparedness, are inappropriate for consideration in individual proceedings beyond the extent of current regulatory requirements and the interim rule now being promulgated in that they are all part of the subject matter of announced generic rulemaking proceedings. To require consideration of added safety measures in an individual licensing proceeding ostensibly to avoid the need for inordinately costly backfit of requirements which do not yet exist and for which there are no design standards or acceptance criteria is totally unworkable.

Furthermore, the requirement to consider such matters could be prejudicial to the outcome of the rulemaking proceedings and may require large expenditures which could turn out to be unnecessary. The Commission decided to conduct rulemaking proceedings to determine what requirements if any should be required.

Applicants should not be required to address matters which will be considered in those proceedings in the individual licensing proceedings.

Very truly yours,



T. M. Anderson, Manager
Nuclear Safety Department