

CHAPTER I - NUCLEAR REGULATORY COMMISSION

PART 50 - DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION
FACILITIES

Maintaining Integrity of Structures, Systems and Components
Important to Safety During Construction at Multi-Unit Sites.

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Final Rule

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to require that, for multi-unit sites, applicants for construction permits and operating licenses take proper precautions to assure the integrity of structures, systems and components important to the safety of the operating unit or units during all construction activities. The amendments are being made in response to a petition for rule making filed by the Business and Professional People for the Public Interest. A notice of proposed rule making inviting public comments was published in the FEDERAL REGISTER on July 14, 1977. The effect of the amendments will be to formalize and clarify specific requirements as they apply to multi-unit sites and to codify existing licensing practice. The rule would apply to applications received 6 months after the effective date of the rule.

EFFECTIVE DATE: August 7, 1978.

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FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: By mailgram dated March 24, 1975, the Business and Professional People for the Public Interest (BPI), David Dinsmore Comey, Director of Environmental Research, requested that the Nuclear Regulatory Commission (NRC) amend its regulation, 10 CFR Part 50, to require licensees to shut down operating units of nuclear power units at multi-unit facilities during periods when work on a unit under construction could compromise the integrity of the engineered safety features of an operating unit or units. As a basis for the petition, the petitioners referred to the fire which occurred on March 22, 1975, in the electrical cabling at TVA's Browns Ferry Nuclear Station.

A notice of the filing of a petition for rule making was published in the FEDERAL REGISTER on May 9, 1975 (40 FR 20371). Three sets of comments were received regarding the petition. All recommended denial of the petition on the general basis that the existing regulations provided the Commission with measures to deal with such situations as the petitioners had stated.

The Commission reviewed the applicable portions of the regulations as well as the manner in which the NRC staff conducts its

licensing reviews and concluded that, while the present regulations and staff procedures during licensing reviews do provide a basis for effective action to be taken relative to safety at multi-unit sites, the importance of the safety issues raised warranted amending the regulations to add specific requirements in this area. As a result, on July 14, 1977, the Commission published in the FEDERAL REGISTER (42 FR 36268) a notice of proposed rule making inviting written suggestions or comments on the proposed rule by August 29, 1977. The purpose of the proposed amendments was to formalize and clarify the specific requirements as they apply to multi-unit sites and to explicitly state where and how the information developed should be presented.

Four persons submitted comments regarding the proposed amendments. Copies of the comments received may be examined in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. Generally, comments either were similar to the comments received after publication of the notice of the petition for rule making or were similar to questions that were raised internally among the Commission's staff during the preparation of the proposed rule. For example, one of the commenters wanted to apply the rule to general maintenance and repair activities as well as construction activities. This was considered during the proposed rule phase and it was concluded that the existing regulations clearly covered such other activities. Another commenter suggested that it would be more appropriate to provide guidance on the subject in a

regulatory guide. This question was also previously considered and it was decided that, since the regulations did not specifically address multi-unit sites, they should be appropriately amended.

Another commenter questioned the practicality of requiring applicants for construction permits to identify potential hazards and recommended that the rule be restated to elicit how the construction activities will be controlled to assure the integrity of the operating reactor. Since the applicant for the construction permit for the new unit may not necessarily be the same as the licensee of the operating plant, the applicant might have no control over the operating plant. For this reason, the Commission thinks it would be more desirable to divide the responsibilities under the rule between the applicant for the new unit and the licensee for the existing unit. Further detailed guidance relative to specific safety items will be provided by appropriately revising Regulatory Guide 1.70, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants."

Another commenter felt that the present regulations were adequate and need not be amended. This option was also previously considered but the NRC believed that although the existing regulations do provide a basis for action, they do not explicitly cover construction at multi-unit sites and thus should be clarified.

As previously indicated, no significant new adverse comments or significant questions have been received as a result of the notice

of proposed rule making. Accordingly, after consideration of the comments that were received and other factors, the Commission has adopted the proposed amendments to Part 50 without change as set forth below.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as a document subject to codification.

Section 50.34 of 10 CFR Part 50 is amended by adding a new subparagraph (11) to paragraph (a) and a new subparagraph (6)(vii) to paragraph (b) to read as follows:

§ 50.34 Contents of applications: Technical information

(a) * * *

(11) On or after February 5, 1979

applicants who apply for construction permits for nuclear power plants to be built on multi-unit sites shall identify potential hazards to the structures, systems and components important to safety of operating nuclear facilities from construction activities. A discussion shall also be included of any managerial and administrative controls that will be used during construction to assure the safety of the operating unit.

(b) * * *

(6) * * *

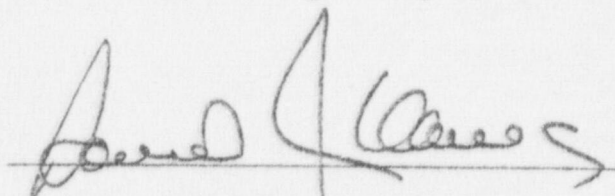
(vii) On or after February 5, 1979

applicants who apply for operating licenses for nuclear power plants to be operated on multi-unit sites shall include an evaluation of the potential hazards to the structures, systems and components important to safety of operating units resulting from construction activities, as well as a description of the managerial and administrative controls to be used to provide assurance that the limiting conditions for operation are not exceeded as a result of construction activities at the multi-unit sites.

(Sec. 161b, Pub. Law 83-703, 68 Stat. 948, Sec. 201, Pub. Law 93-438, 88 Stat. 1242 (42 U.S.C. 2201(b), 5841)).

Dated at Washington, D. C. this 1st day of August, 1978.

For the Nuclear Regulatory Commission.

A handwritten signature in dark ink, appearing to read 'Samuel J. Chilk', written over a horizontal line.

Samuel J. Chilk
Secretary of the Commission