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PROPOSED RULE **PR 50**

45 FR 81602

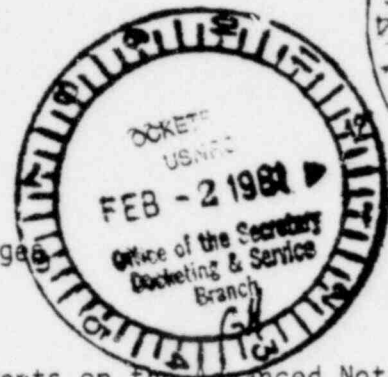
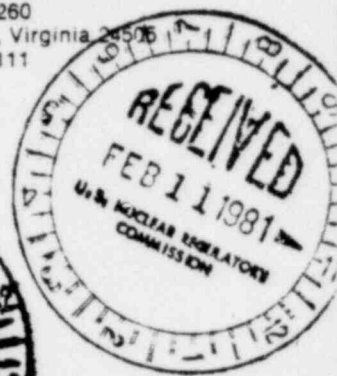
Babcock & Wilcox

Nuclear Power Generation Division

a McDermott company

3315 Old Forest Road
P.O. Box 1260
Lynchburg, Virginia 24506
(804) 384-5111

January 27, 1981



Secretary of the Commission
Attn: Docketing and Services Section
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Comments on ANRM For Post-CP Changes

Dear Sir:

Babcock & Wilcox is pleased to provide comments on the Advanced Notice of Proposed Rulemaking - Domestic Licensing of Production and Utilization Facilities; Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permit (45FR81602).

The objective to provide guidance to CP holders and the NRC Staff with regard to post-CP changes is supported. However, considering the status of nuclear power in the United States today, we do not agree that the combination of Alternatives 3 and 5 is the best approach.

Looking to the future first, in the ANRM, it is proposed that Alternative 5 be implemented on June 1, 1983 (it is assumed this would be applied only to CP applications filed after that date). Alternative 5 embodies the basic elements of one-stop licensing, and it requires the important safety-related elements of the design to be made conditions of the construction permit which could not be changed without prior approval. However, to ensure the program meets its objectives (by means of a confirming review at the OL stage), the confirming review should be defined in detail in the upcoming proposed rule. If the important safety-related design elements are conditions of the CP, the rule should state that a review by the Office of Nuclear Reactor Regulation Staff will not be necessary at the OL stage unless the applicant or the Office of Inspection & Enforcement has determined the CP conditions are not met.

Considering the Commission preference for Alternative 5 in 1983, it does not appear that the effort required for Alternative 3 is justifiable for its potential use. The TMI Action Plan (NUREG-0660) states the plan for Item IV.E.3 - Plan for Resolving Issues at Construction Permit Stage - will be prepared in FY-82 or later. Assuming the Commission intends to follow the Action Plan schedule, we expect the rule will not be finalized before 1982. By that time, the majority of the nuclear power plants now ordered or under construction will have their FSAR's under review, and thus, plant changes

acknowledged by card... 2/2/81

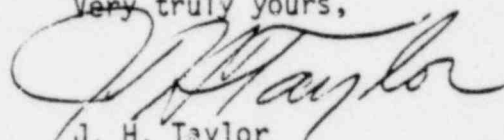
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would also be under review. Based on the October 1980 Licensing Target Dates, it is estimated there will only be 21 stations presently ordered or under construction which will not have filed FSAR's by early 1983, so Alternative 3 would only apply to a small number of plants. For this reason, it is recommended that the NRC use Alternative 1, or at most Alternative 2, for the near term.

I would be happy to discuss this letter with you. If there are any questions, please let me know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. H. Taylor".

J. H. Taylor
Manager, Licensing

JHT/dsv

cc: R. B. Borsum - Bethesda Office