

PUBLIC SERVICE COMPANY OF OKLAHOMA
A CENTRAL AND SOUTH WEST COMPANY

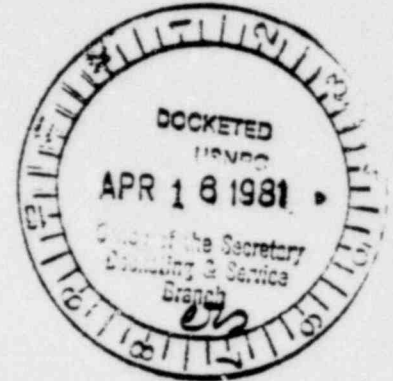


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DOCKET NUMBER
PROPOSED RULE PR-50 (31)
(46 FR 18045)

April 13, 1981

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



Attention: Docketing and Service Branch

Public Service Company of Oklahoma ("PSO") submits the following comments in response to the NRC proposed rule published in the Federal Register on March 23, 1981, (hereinafter referred to as the "rule"). The proposed rule which is entitled "Licensing Requirements for Pending Construction Permit and Manufacturing License Applications," would directly affect PSO's application (on behalf of Associated Electric Cooperative, Inc., Western Farmers Electric Cooperative and itself) for permits to construct and operate the Black Fox Station (U.S. NRC Docket No. STN-556 and 557) which consists of two 1150 Mwe boiling water reactors to be located near Tulsa, Oklahoma.

As the Federal Register notice indicates, the proposed rule follows publication of a notice of proposed rulemaking in the Federal Register on October 2, 1980, to which PSO submitted comments dated November 17, 1980. Therein we provided specific analysis of the technical substance of the proposed regulatory requirements and requested certain changes be made. We find that in the time since, the regulatory staff has had numerous exchanges with the Advisory Committee on Reactor Safeguards and the Commission. To a degree, technical reason has prevailed resulting in a more workable set of requirements which are identified in the now proposed rule and NUREG-0718 dated March, 1981. Appendix A to this letter requests specific changes to the language of the proposed rule.

44-1, 14, 50

CENTRAL AND SOUTH WEST SYSTEM

Central Power and Light
Corpus Christi, Texas

Public Service Company of Oklahoma
Tulsa, Oklahoma

Southwestern Electric Power
Shreveport, Louisiana

West Texas Utilities
Arlene, Texas

8105070

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In addition, our November 17, 1980 comments took issue with the Agency's approach to implementing the lessons learned of TMI on pending construction permit applications. Sadly, the NRC has not remedied the inequities that existed and, as explained below, are now even more apparent. We remain disappointed and angered at the inexorable delay in resuming construction permit licensing, some two years after the events at Three Mile Island Unit 2 (TMI).

Our detailed comments of last October discussed the differences between the now selected Option 3 and the proposed Option 1 as contained in draft NUREG-0718 dated August, 1980. Option 1 was stated as

resume licensing using the pre-TMI CP requirements augmented by the applicable requirements identified in the Commission's June 16, 1980 statement of policy regarding operating licenses.* In effect this treats the pending CP and ML applications as if they were the last of the present generation of nuclear power plants.

The Commission, however, has selected Option 3 which is to

resume licensing using the pre-TMI CP and ML requirements augmented by the applicable requirements identified in the Commission's June 16, 1980 statement of policy regarding operating licenses and require certain additional measures or commitments in related areas, e.g., those that will be the subject of rule-making.

In other words, Option 3 establishes a new licensing basis for the issuance of construction permits for the few remaining applications pending before the Agency.

Again, our basic objection to Option 3 then and now is one of timing, i.e., this option requires the completion of a myriad of time consuming engineering activities and analyses before issuance of construction permits. On the other hand, Option 1 would have required only that an applicant make necessary commitments, including reasonable implementation

* We note that the Commission has since revised its Statement of Policy by memorandum and order (CLI-80-42) dated December 13, 1980.

schedules, before issuance of the construction permits. The engineering details of implementation would be completed during the post-construction permit period (but prior to the issuance of any operating license) instead of before issuance of the construction permit as contemplated under Option 3. This would be fully consistent with the regulatory treatment being accorded existing CP holders by the NRC, as delineated in the December 18, 1980 order and implemented by NUREG-0737.

NRC has identified in SECY 81-20C (a copy of enclosure 2 is attached) the now small difference between the pending CP requirements as compared to those listed for the construction permit and operating license holders in NUREG-0737. All of the items listed can be integrated into station design during the course of construction. None will impact design sufficiently to require the type of revisions that, under the Atomic Energy Act and NRC's regulations, need be considered prior to the issuance of construction permits.

Thus, no valid technical or legal basis exists to justify the Agency's insistence that the engineering for items listed in the proposed rule be submitted as part of the construction permit review. Binding commitments to comply with the requirements would suffice.

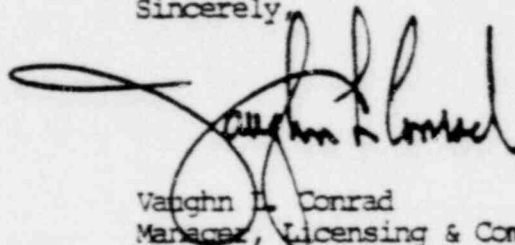
Further, the Commission itself has recently recognized the need to move forward in the licensing process but only to the extent that it would affect those units nearing completion and soon to operate. The Agency has asked Congress* to amend the Atomic Energy Act to permit the issuance of "Interim" licenses so plants could conduct startup tests of up to five percent of full power before Atomic Safety and Licensing Board hearings are completed. Surely equity requires NRC to provide a similar advantage to the pending construction permit applications once they have completed the requirements under existing regulations.

* See Chairman Hendrie's March 18, 1981 letter to the President of the Senate.

Finally, we note that delays caused by NRC inaction have extracted a heavy toll upon our Company's financial and human resources. The startup date and the eventual cost of Black Fox Station remain obscure due to this regulatory moratorium. NRC must create the necessary environment of certainty needed to permit our Company to confidently pursue the business of building Oklahoma's first nuclear fueled electric generating facility. The Company's investors and ratepayers are entitled to no less. Instead, the present actions of the Commission serve no end except to undermine the economic viability and financial prudence of our project. It defies logic and strains patience to try to understand why NRC is unable to resume its consideration of pending construction permit applications without first engaging in a process that is calculated to drain the economic vitality from every such pending project.

Although we disagree for good reason with NRC's selection of Option 3, we hold no illusion that the arguments favoring Option 1 will be received any more favorably now than they were in November, 1980. Consequently, PSO urges prompt approval and implementation of the NTCP rule as noticed, but modified by Appendix A. Once effective, PSO will then develop an integrated plan of response.

Sincerely,



Vaughn D. Conrad
Manager, Licensing & Compliance

VLC:plr
Attachments

cc: Joseph Gallo
Isham, Lincoln & Beale

Gerald F. Diddle
Associated Electric Cooperative Inc.

Maynard Human
Western Farmers Electric Cooperative

Appendix A

The changes suggested below are needed to clarify certain requirements of the proposed rule as they relate to the unique circumstances of the pending construction permit applications.

§50.34(e)(2)(iii)

New text:

Provide a control room design that applies ~~state-of-the-art~~ human factor principles (I.D.1).

Justification: the text of the proposed rule conflicts with the predicate given in §50.34(e)(2).

§50.34(e)(2)(vii)

New text underscored:

Provide a plan and submit a schedule to perform radiation and shielding design reviews of spaces around systems that may, as a result of an accident, contain highly radioactive fluids, and design as necessary to permit adequate access to important areas and to protect safety equipment from the radiation environment (II.B.2).

Justification: the addition more accurately reflects the intent of the requirement for pre-construction permit information.

PENDING CP REQUIREMENTS THAT GO BEYOND
OL REQUIREMENTS IN NUREG-0737

Rule Para #	Action Plan Item #	Subject	NTOL Requirement in 0737	Pending CP Requirement
(1)(a)	II.B.8 (partial)	Degraded Core Rule	None	Perform PRA
(2)(a)	I.A.4.2	Simulators	None	Provide simulator capability that correctly models control room
(b)	I.C.9	Procedures, long-term	None	Establish program to improve plant procedures
(c)	I.D.1	Control Room design	Preliminary assessment and quick fixes	Provide, for Commission approval, a control room design that applies human factors principles
(d)	I.D.2	Safety Parameter Display System	None	Provide a SPDS
(e)	I.D.3	Status of Safety Systems	None	Provide for automatic indication of status
(1)	II.B.8 (partial)	Degraded Core Rule	None	Provide a system for hydrogen control
(o)	II.E.4.4	Purging	None (but in SRP)	Purging limits and isolation valve operability
(p)	II.E.5.1	ECCS Challenges	None	Establish allowable no. of ECCS/RP actuations
(q)	II.E.5.2	B&W Design Sensitivity	None	Design to reduce transient sensitivity
(t)	II.F.3	Post-accident Instrumentation (KG 1.97)	None	Provide instrumentation to follow course of accident
(z)	II.K.3.23	Central Water Level Indication	None	Provide central location for recording BWR reactor vessel water level

Rule Para #	Action Plan Item #	Subject	NTOL Requirement in 0737	Pending CP Requirement
(3)(a)	I.C.5	Feedback of Experience	Provide for feedwater of operating experience to operating organization	Provide for feedback of operating, design, and construction experience to designers and constructors
(b)	I.F.1	QA List	None	Ensure QA list includes all things important to safety
(c)	I.F.2	QA Program	None	Establish a broadened QA program
(d)	II.B.8 (partial)	Dedicated Penetrations	None	Provide 3 ft. diam. venting penetration
(e)	II.B.8 (partial)	Containment capability	None	Strengthen containment to 45 psig capability (Service Level C)
(g)	II.J.3.1	Organization for Construction	None	Provide description of management for construction