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NS-TMA-2267

Mr. Samuel J. Chilk, Secretary  
U. S. Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D.C. 20055

Subject: Commission Order dated May 30, 1980 in the Matter of Consolidated Edison Company of New York, Inc. (Indian Point, Unit No. 2) and Power Authority of the State of New York (Indian Point, Unit No. 3); Docket Nos. 50-247 and 50-286.

Dear Mr. Chilk:

The subject Commission order announced a four-pronged approach for resolving the issues raised by the UCS petition and requested the views of interested members of the public to the end of better defining one part of the approach, the discretionary adjudicatory proceeding. Westinghouse wishes to incorporate by reference and expand upon the comments filed in response to the February 15, 1980 notice in connection with the Director's denial of the UCS petition in a letter dated March 10, 1980 from T. M. Anderson to Samuel J. Chilk.

In particular, we wish to reemphasize the need to formulate the discretionary adjudicatory proceeding for Indian Point in the light of the intended generic consideration of the question of operation of reactors in areas of high population density announced in the Commission's Indian Point order, as well as the other related generic proceedings now in various stages of implementation or under consideration by the Commission. It is important to note that the Commission's Indian Point order raises generic issues other than the high population density issue. The Commission should separate these generic issues from the plant specific issues and defer them to the generic proceeding. In considering the generic issues, an integrated course of action addressing the central issues in the proper sequence is essential to avoid the risk of relitigation based on perturbations caused by later rulemaking proceedings and to properly focus the application of resources so that the record and results of each proceeding logically leads to and provides a sound technical base for the next.

Five basic issues have been identified for generic proceedings. These five basic issues in the order in which they should be addressed are:

1. Safety Goals and Methodology,

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2. Standard Safety Features,
3. Degraded Core Cooling,
4. Siting (including population density considerations), and
5. Emergency Planning.

The first proceeding to establish safety goals and methodology is basic to those which follow. In such a proceeding, the goals in terms of acceptable risk must be affirmed or established considering normal and abnormal plant operation.

Until these are agreed upon, there can be no final resolution of any of the other four basic issues. Once these have been agreed to, then it becomes possible to address the issue of what should constitute standard safety features for any proposed nuclear plant. Once having identified the safety goals, methodology, and the standard design features, the issue of degraded cores can be properly addressed to establish the circumstances, if any, and the manner in which such conditions need be considered. The resolution of any remaining issues involving siting and emergency planning requirements can be logically and rationally addressed once the first three issues have been resolved.

Accordingly Westinghouse requests that the Commission, at an early date, publish an advanced notice for public comment of an integrated set of generic proceedings to resolve the above identified issues in the order presented above. Any piecemeal rulemaking activities now underway with respect to any of these issues should be superseded by the integrated proceedings and a project manager should be assigned from within the NRC Staff with authority to draw upon and coordinate any necessary NRC resources required for the efficient and effective conclusion of these proceedings. Given the overriding significance of these matters, we believe that the proper conduct of such integrated proceedings, including developing a suitable technical record on which to base the necessary Commission decisions and allowing for full public participation, warrants a major Commission effort.

During the pendency of the integrated generic proceedings, there will be a need, which goes beyond the present Indian Point proceedings, for the Commission to have a basis for dealing with matters related to these issues to the extent they may be raised in connection with any proceedings on applications, construction permits and operating licenses requiring decisions prior to the conclusion of the generic proceedings. To this end, the Commission should establish an interim rule to govern decisions concerning the acceptability of nuclear plants with respect to such matters in any such proceedings. The Commission apparently recognized this need in their Indian Point order when they raised Question 8.2, "By what criteria should the acceptability of the risk posed by these facilities be determined?" WASH 1400 and the probabilistic risk assessment methods utilized in that study provide the basis for establishing suitable interim acceptance criteria and methodology for their implementation.

WASH 1400 risk curves should be used as the interim basis for resolving any issues which may arise involving the relative risks posed by any particular nuclear plant design at any particular site. Any nuclear plant which, on the basis of a WASH 1400 type review, presents risks which do not fall significantly above the WASH 1400 risk curves and which meet conventional NRC requirements in effect at the time of licensing should be deemed acceptable pending final resolution of the integrated generic proceedings. In performing these evaluations, it is important that consequences of ordinary events be considered down to the same low level of probability as are considered for the nuclear plant. For example, if a war to secure this nation's oil supplies has the same probability as one of the very low probability nuclear accidents, then the consequences of such a war should be considered if the consequences of the very low probability nuclear accident are considered in assessing the risks posed by the nuclear plant.

Additional acceptance criteria should be specified for determining whether or not restriction of operation or shutdown of any facility found unacceptable on the basis of the interim acceptance risks curves is warranted pending completion of the integrated generic proceedings. Here, the impacts (e.g., risks, costs, environmental effects) should be compared with the impacts of restricted operation or shutdown of the facility. Unless there is an incremental impact of continued operation that is significant when compared to the overall non-nuclear impacts of other activities affecting the public, continued unrestricted operation pending completion of the integrated generic proceedings should be acceptable.

Thus, for the Indian Point plants, these comparisons against the interim acceptance criteria should be performed. If the Indian Point plants are found to be acceptable on the basis of these comparisons, the plants should be allowed to continue to operate under the terms of the licenses prior to the Director's Indian Point order. Issues raised by the UCS petition and addressed by the Director's and the Commission's Indian Point orders should, in that case, be deferred to or await the outcome of the integrated generic proceedings.

The interim acceptance criteria, which we propose be adopted, should then be applied to the Indian Point units or any other facility called into question pending the completion of the integrated generic proceedings. This will provide the Commission with a consistent evenhanded method of resolving all such problems which may arise. It will afford an opportunity for all interested parties to be heard whether they are from the nuclear industry or from the general public and will avoid unfair prejudice to parties who may not be interested in the Indian Point proceedings but who may be interested in subsequent proceedings involving other facilities.

We turn now to Question B.1 of the Commission's Indian Point order "To what extent are answers to the questions listed in Section (A) above material or useful in resolving the ultimate issue in the adjudication -- i.e., operation, shutdown, or modification of the Indian Point 2 and 3 plants?"



The current status of state and local emergency plans can be adduced and compared with the Commission's existing emergency plan requirements. To a large extent, information on this subject is available from the records of recent extensive submissions of emergency plan materials on the Indian Point plants. In order to have a meaningful evaluation of the acceptability of the Indian Point plans, the risks to the public health and safety associated with the emergency plans must be combined with other risks from the plants and compared with an interim acceptance criteria. If the overall risks posed by the plants are acceptable (i.e., comparable to the WASH 1400 risk curves) then the emergency plan should be acceptable. After long consideration, the Commission decided on the 10 mile limit for emergency plans. An important factor in arriving at this decision is the fact that radiation levels fall off very rapidly with distance. Consideration of any change in the 10 mile limit should be deferred to the integrated generic proceeding.

The question relating to improvements in the level of emergency planning presupposes that changes are required. As we pointed out in our referenced letter, the concerns regarding inadequacies in the emergency plans and other aspects of the Indian Point plants were based upon a faulty evaluation of the risks posed by those units in which the design features incorporated in those units specifically to cope with the population distribution and density conditions at the site and over which there were extensive contested licensing proceedings were not considered. This question can only be rationally addressed after deficiencies needing correction have been identified by comparing the risks posed by the Indian Point plants with interim acceptance risks curves and evaluating residual risks from the nuclear plants against ordinary risks faced by the public.

The third question as to what improvements in the level of safety will result from measures in the Director's Indian Point order bypasses the basic question of the acceptability of the Indian Point plants without these measures. As stated in our letter incorporated by reference and repeated above, the decision to impose these requirements stemmed from a faulty evaluation of risks. If the Indian Point plants can be shown to be acceptable as is, then the measures in the Director's order should be deferred to the integrated generic proceeding.

The fourth question dealing with what risks are posed by serious accidents including accidents beyond the design basis would be encompassed by the interim acceptance risk evaluations.

The fifth question as to how risks posed by the Indian Point plants compare with risks posed by other plants is fundamental and is the only question which needs to be answered in order to determine whether or not the plants are acceptable. The proposed interim acceptance criteria would provide a rational basis for answering this question, for assessing the adequacy of proposed changes, if necessary, and for assessing whether or not shutdown or limitations on operation are warranted pending implementing any such changes or the completion of the integrated generic proceedings.

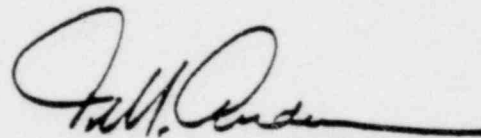
The sixth question as to the energy, environmental, economic or other consequences of a shutdown of the Indian Point plants is germane, as discussed above, if the risks posed by the Indian Point plants are not significantly above the interim acceptance risk curves. If the impacts (risks, costs and environmental effects)

of shutdown are outweighed by the impacts of continued operation, then the question to be answered is whether the incremental impacts of continued operation are small compared to the overall impacts of activities normally engaged in from day to day in modern society. If they are, it should be acceptable to continue operation.

In summary, we request that the Commission publish an advance notice for public comment of an integrated set of generic proceedings as outlined above. As an integral part of those proceedings, we request that the Commission announce its intent to establish interim acceptance criteria to be used to resolve the issues in the Indian Point proceedings and in any other proceeding which may arise in connection with other nuclear plants involving the same or related issues during the pendency of the integrated generic proceedings. We request that, in that notice, the Commission seek public comment on proposed interim acceptance criteria and methodology together with any alternatives the Commission may deem appropriate. The attachment to this letter is an overall flow chart of the proposed proceedings as they relate to one another.

We appreciate the opportunity afforded us by the Commission to provide our views. We would be pleased to meet with you or with members of the NRC Staff as you may deem appropriate to discuss any aspect of our recommendations and comments.

Very truly yours,



T. M. Anderson, Manager  
Nuclear Safety Department

RAW/TMA/pj

Attachment

INTEGRATED GENERIC RULEMAKING

1. INTERIM RULE

2. SAFETY GOALS AND METHODOLOGY

3. STANDARD SAFETY FEATURES

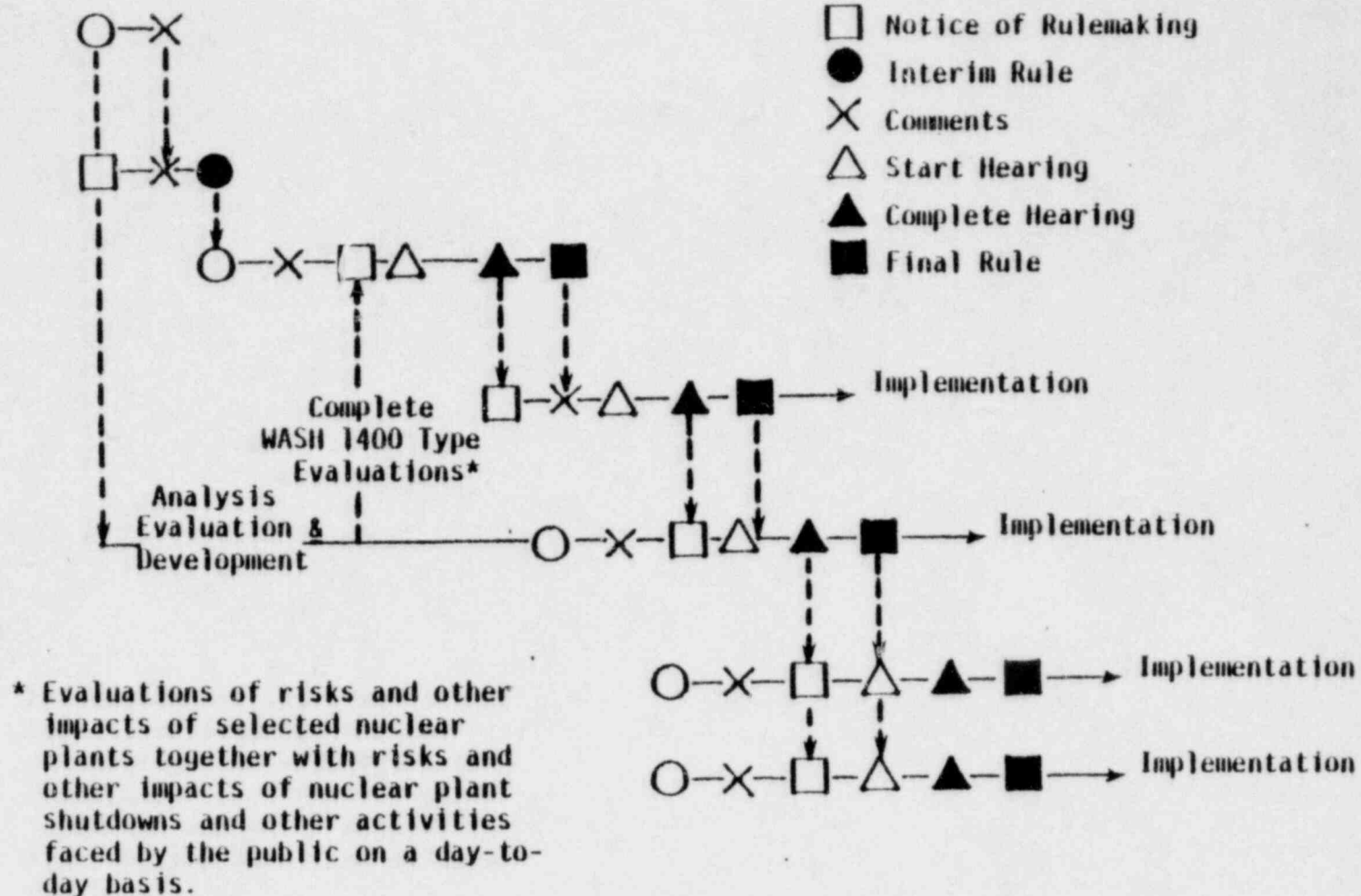
4. DEGRADED CORE COOLING

5. SITING

6. EMERGENCY PLANNING

LEGEND:

- Advanced Notice of Rulemaking
- Notice of Rulemaking
- Interim Rule
- × Comments
- △ Start Hearing
- ▲ Complete Hearing
- Final Rule



OVERALL FLOWCHART FOR PROPOSED INTEGRATED GENERIC PROCEEDINGS