



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

PDR

March 18, 1994

Professor Manfred Heindler  
Direktor  
Energieverwertungsagentur  
(Austrian Energy Agency)  
Linke Wienzeile 18  
A-1060 Vienna  
Austria

Dear Professor Heindler:


On behalf of the Commission, I am responding to your letter of March 8, 1994, concerning the Temelin nuclear power plant project in the Czech Republic. I was pleased to receive Austria's delegation on February 18 to discuss the project. While I appreciate your concerns regarding the construction of a new nuclear power plant near your border, these are matters Austria must seek to resolve directly through consultations with Czech officials, and not through indirect attempts to transform them into issues between Austria and the United States.

In that regard, I note that there are a number of misstatements of my views contained in your letter, and I would be particularly concerned if your letter had received wide circulation before it reached me. I would have appreciated an opportunity to correct these inaccuracies and misstatements of my views before the letter was circulated. Under the circumstances, I plan to forward copies of this letter and the attached comments to the other recipients of your letter so that these inaccuracies can be corrected.

I have enclosed summary comments on the six points raised in your letter. As you know, the Nuclear Regulatory Commission has expressed its views on these issues through the U.S. interagency process of providing advice to Eximbank. We have clearly stated our full support for this project, and will continue to support it to its completion.

Sincerely,

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PDR COMMS NRCC  
CORRESPONDENCE PDR

  
Ivan Selin

Enclosure: As stated

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## RESPONSE TO AUSTRIAN POINTS

1. This is an incomplete characterization of NRC's role. In addition to the regulatory assistance we are providing to the Czech Republic, we will also provide training to the regulators on our methodology for evaluating the safety of the plant as a result of the refitting of the plant with Westinghouse technology. As you state, we believe Czech regulators have the capability to meet their safety responsibilities, and we are confident in their ability as a regulatory agency.

2. The NRC never takes an official position on whether any non-U.S. plant sited abroad meets U.S. safety and licensing standards, so your statement about Temelin is misleading. Since NRC safety and licensing standards are widely used in other countries as one basis for licensing their own systems, we have no reason to expect that such foreign standards would be substantively deficient. With regard to our assessment of the level of safety in the Czech Republic, we have not and do not plan to make any systematic assessment of this issue, since it is a matter for the sovereign judgment of the Czech government. The NRC is providing general advice concerning nuclear safety regulatory matters which are relevant to the Temelin project. However, beyond the Westinghouse project, NRC cannot and would not review, in the course of considering a proposed export, detailed safety aspects of this facility. For that reason, we have not sought access to or reviewed detailed technical documentation for this, or any other, facility in another country.

3. It is correct that the NRC has not pursued the issue of design information availability, probabilistic safety analysis, replacement parts, design codes and the like. However, you have quoted my remarks out of context, with the implication that such information should have been obtained. When I stated that "It's even worse than that," I was trying to make the point that I could list even further kinds of data on the Temelin facility which the NRC has not and will not examine. My point was that these issues are not relevant to a limited decision by one government's export credit agency to support the export of a discrete nuclear safety system and fuel. You have implied a negative judgment where I was making a simple point about relevance.

Further, one does not have to be an apologist for the VVER 1000 design to point out that it is the most advanced system among those of the Soviet type currently being constructed. While VVER-1000 reactors currently in operation have been found lacking in comparison with Western designs, the Temelin VVER-1000 will be built according to more stringent standards. In fact, the equipment which Westinghouse will supply to the Czech Republic

will bring the safety of the facility to acceptable levels. This transaction falls fully within the guidelines established by the U.S. Government and the G-7 for nuclear reactor safety assistance to central and eastern Europe.

Regarding the responsibility for accidents, two facts are relevant. First, there is a generally accepted proposition that operating organizations in all countries bear responsibility for the safety of their facilities; second, accidents at nuclear plants might occur for many reasons (e.g. siting, design, construction, quality control, and operation) that are not directly related to their instrumentation and control systems (whether or not they were provided by a company different from the original designer). For these reasons, the NRC could not assume responsibility for accidents that might occur. The statement that I "would not feel responsible if there were an accident after two years of operation" has been taken out of context and is therefore misleading.

4. The characterization of this response is essentially correct. As a sovereign state, the Czech Republic is responsible for its own decisions and actions, a principle embodied in IAEA's safety principles as well as more broadly in international law.

5. NRC does not believe that an inspection report on past construction activities at Temelin is relevant to an export financing decision for an instrumentation and control system.

6. The question of licensability of Temelin in the U.S. is not directly relevant to the Eximbank financing decision and inherently incapable of being assessed by the NRC. The NRC licensing process for domestic nuclear facilities is very extensive and could not be conducted for any facility in another country. In the U.S., oversight continues throughout the life of the plant. NRC requirements are enforceable by force of law. NRC could not exercise the oversight nor could it enforce its requirements on a foreign plant.

It would have been more accurate to state that the NRC does not believe that the question of whether the Temelin plant would be licensable in the United States is relevant precisely because the NRC has no mandate to make such an evaluation.