

STATE OF ILLINOIS  
**DEPARTMENT OF NUCLEAR SAFETY**

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George H. Ryan  
Governor

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August 27, 2001

66 FR 33718  
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Mr. Joseph M. Sebrosky  
U.S. Nuclear Regulatory Commission  
Mail Stop 0-11 F1  
Washington, DC 20555-0011

Dear Mr. Sebrosky:

The Illinois Department of Nuclear Safety (IDNS) hereby submits its comments on the issue of combined operating license (COL) inspections, tests, analyses, acceptance criteria (ITAAC) for the construction and operation of new nuclear plants under 10CFR50 and 52. The request for public comments was described in the Federal Register of June 25, 2001. IDNS appreciates the opportunity to submit comments.

As we recall, when Part 52 was promulgated, the desire was to simplify the construction and operation licensing process for new plants. The process had three parts: certifying standard designs, allowing early permitting of prospective sites, and combining the separate construction and operating into a COL. This was intended to simplify the licensing process, eliminate numerous public hearings, and reduce construction time. Instead of submitting voluminous detail with design certification applications, it was decided to commit to certain ITAAC that the Nuclear Regulatory Commission (NRC) would verify completed before operation began.

The question, if we understand the issue correctly, is whether ITAAC describing "programs" like emergency preparedness, security, quality assurance, training, etc., need to be verified at all, or if they only apply to hardware and design issues. We ask, if they are not considered at the beginning of the COL application process, then when? We believe the programmatic baseline inspections performed under the revised reactor oversight process are adequate to measure performance of an existing program. We question if they are adequate to inspect the efficacy of a new program.

IDNS believes that if the Part 52 process worked as originally intended with an experienced applicant submitting a standard design with the requisite ITAAC; the plant

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was built on an existing or banked site; and the applicant planned to roll the programs in question into those already being implemented successfully, then developing ITAAC describing how they would do that would not be difficult.

However, Part 52 allows applicants to submit a non-precertified design, and place it on a site without seeking an early site permit. This introduces numerous variables that impact the handling of programmatic ITAAC. There must be some assurance that satisfactory programs are in place when needed to support plant construction and operation. If not by ITAAC at the front end of the process, then when?

Variables that make a large difference include:

- Whether or not a proposed site already has operating units on it, for emergency planning purposes.
- Whether the proposed plant is a certified standard design. If not, sufficient design detail must be submitted to support issuing the COL process. We believe this should include a plant specific PRA.
- Whether an applicant has satisfactory existing programs in place for other operating units, into which they plan to adopt the programs new unit.
- Whether the applicant is an experienced nuclear operator, or a recent entry into the industry.

It may be that Part 52 is not adequate to deal with the circumstances surrounding these variables.

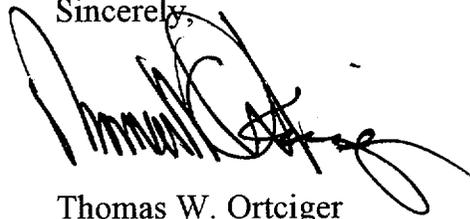
It is our contention that some of the programs in question involve cross-cutting issues that are said not to be conducive to precise objective measurement in an ITAAC. However, if the COL applicant commits to following specific regulatory guidance or standards in implementing the programs, then the ITAAC verification process is made easier.

We believe that an applicant should be required to submit a detailed construction plan and schedule with the application and prior to the public hearing. The applicant should identify at what milestone of the plan the programs in question need to be in place, and should have an ITAAC sufficiently detailed to ensure that, through its verification by inspection, a satisfactory program is in place when it is needed to support the COL.

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Thank you for the opportunity to comment on this important issue. If you have any questions in regard to this letter, please contact Gary Wright of my staff at (217) 785-9851.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas W. Ortziger', with a large, stylized flourish extending to the right.

Thomas W. Ortziger  
Director

TWO:sld