

NRCREP - GE Comments on DG-1145

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Attached is letter MFN 06-410, Comments on NRC Draft Guide 1145, "Combined License Applications for Nuclear Power Plants (LWR Edition)," 71 Fed. Reg. 52,826 (Sept. 7, 2006).

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Subject: Comments on NRC Draft Guide 1145, "Combined License Applications for Nuclear Power Plants (LWR Edition)," 71 Fed. Reg. 52,826 (Sept. 7, 2006)

General Electric Company (GE) has participated with the Nuclear Energy Institute (NEI) in an industry effort to review DG-1145, "Combined License Applications for Nuclear Power Plants." GE generally supports the comments submitted by NEI regarding the guidance. In addition, GE provides further comments that we have identified as part of projects associated with the design certification of the GE ESBWR and its initial combined license applications, and the combined license application for the ABWR project for STP-Units 3 and 4. We offer these comments for your consideration in issuing the final regulatory guide.

First, GE commends the NRC on the effort to revise guidance for the format and content of Safety Analysis Reports (SAR) for nuclear power plants and to address the licensing processes set forth in 10 CFR Part 52. Although GE did not have the benefit of the guidance when preparing the ABWR or the initial ESBWR design certification applications, we believe that the guidance can be useful in minimizing the number of NRC Requests for Additional Information that result from the NRC's technical review of 10 CFR Part 52 applications. GE has found the guidance to be useful in revising the ESBWR Design Control Document (DCD) and in preparing SAR chapters for combined license applications. For example, on September 22, 2006, GE submitted Revision 1 to the ESBWR DCD, Chapter 19, "Probabilistic Risk Assessment and Severe Accidents," which was revised to conform to the guidance in DG-1145.1 Also, as the ESBWR Design-Centered Working Group explained in a September 20, 2006, meeting with the NRC, the guidance is being used in preparation of the combined license applications. Similarly, in an October 18, 2006, meeting regarding STP Units 3 and 4, the ABWR Design-

¹ See MFN 06-334, "General Electric Company – ESBWR Standard Plant Design – Revision 1 to Design Control Document Tier 2, Chapter 19 (PRA and Severe Accidents), Sept. 22, 2006.

Centered Working Group indicated its intent to use the guidance in DG-1145 to prepare the combined license application.

General Comments

GE has reviewed the guidance associated with reference in a combined license application to a certified design. GE generally agrees that the guidance is appropriate in describing the manner in which a combined license application would reference a certified design, which will be the case for the STP Units 3 and 4 combined license application expected in the fourth quarter of 2007. We also agree generally with the discussion in C.III.6 regarding a combined license application referencing a design certification application under review, as will be the case for the ESBWR combined license applications scheduled to be submitted in November 2007.

The design certification rule for the ABWR, Section IV.A.3, requires that an application referencing the rule include the proprietary information and safeguards information referenced in the U.S. ABWR DCD. The NRC guidance should clarify that the information considered *proprietary or safeguards* for the certified design retains the same designated status in the combined license application as for the design certification and will be handled in the appropriate manner.

NRC regulations in Title 10 of the Code of Federal Regulations (CFR) define certain terms in various parts and sections of the regulations, with many general terms defined in 10 CFR 50.2 and 10 CFR Part 50, Appendix A. However, the regulations do not define a number of terms that are commonly used by applicants and licensees, and which are used in DG-1145. The NRC should consider including a consolidated list of important definitions already in NRC regulations, as well as others used in the guidance, and should ensure that these defined terms are used consistently throughout the document.

Specific Comments

ITAAC: Section C.I.14.3 includes information regarding inspections, testing, analyses, and acceptance criteria (ITAAC) that are to be addressed in a combined license application. The ITAAC for each of the four certified designs are different in the level of content and level of detail and may not be consistent with the ITAAC guidance in the current draft Standard Review Plan (NUREG-0800), Chapters 14.2 and 14.3. The guidance should note this difference.

Transient and Accident Analyses: Section C.I.15.6.2 states that "only safety-related systems and components may be used to mitigate transients or accident conditions." However, in both Section C.I and in Appendix J of C.I, the guidance correctly recognizes that non-safety-related components may be used to mitigate transients and accidents. We recommend that the statement in C.I be revised to read as follows:

As defined in 10 CFR 50.2, safety-related structures, systems and components are relied upon to remain functional during

and following design basis events to assure (1) the integrity of the reactor coolant pressure boundary; (2) the capability to shut down the reactor and maintain it in a safe shutdown condition; or (3) the capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to the applicable guideline exposures set forth in 10 CFR 50.34(a)(1) or 10 CFR 100.11. However, non-safety-related systems and components may be assumed operable in the safety analyses for Anticipated Operational Occurrences, accidents with consequences not comparable to the applicable guideline exposures set forth in 10 CFR 50.34(a)(1) or 10 CFR 100.11, and special events (e.g., ATWS, SBO and Safe Shutdown Fire), wherein an additional non-consequential random and independent failure must occur in order to disable the structure, system or component.

Combined License Action or Information Items: Section C.III.4 addresses combined license action or information items. It correctly explains that, for those combined license applications that reference a certified design, the DCD identifies the action or information items that a combined license application must address. The guidance also notes that the NRC's Final Safety Evaluation Report (FSER) includes a set of combined license action items that are cross-referenced with the DCD combined license information items. The guidance does not explain actions that an applicant should take when there is an inconsistency between the descriptions in the DCD and the FSER. We recommend that the guidance reflect the provision in each of the certified designs that, if there is a conflict between the generic DCD and either the application for a design certification or the NRC FSER, then the generic DCD controls. See, e.g., 10 CFR Part 52, Appendix A, § III.D.

Please contact me should you have any questions regarding the information provided herein.

Sincerely,



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