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POWER SYSTEMS

April 10, 1981
LD-81-020

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

ATTN: Docketing and Service Branch

Subject: Proposed Licensing Requirements for Pending Construction Permit and Manufacturing License Applications (46 Federal Register 18045, March 23, 1981)

Reference: C-E Letter from A. E. Scherer to Secretary of the Commission (LD-80-062), November 14, 1980

Gentlemen:

This letter provides Combustion Engineering's (C-E) comments on the subject Federal Register notice. The proposed rule specifies the Commission's TMI-related requirements for issuance of a construction permit or manufacturing license. C-E has previously provided comments on a similar notice in our referenced letter.

C-E agrees with the Commission's intent of defining the set of TMI-related requirements that are both necessary and sufficient to resume NRC review and approval of pending CP and ML applications. We believe that this is what the Commission intended when it stated in the notice "that this new rule, together with existing regulations, form a set of regulations, conformance with which meets the requirements of the Commission for issuance of a construction permit or manufacturing license." These requirements (as modified to reflect public comments) should therefore be issued expeditiously in conjunction with a clear enunciation of the sufficiency of those requirements, so that NRC staff action on pending applications can recommence.

C-E is also in agreement with the Commission's decision not to incorporate NUREG-0718 within the rule. Such action would have indeed resulted in a rule that would have been excessively detailed and restrictive. In addition the rule would have precluded alternate approaches to meeting requirements that are certain to come with advancement in technology. We note, however, that certain sections of the rule have, in fact, incorporated entire sections of NUREG-0718. This is particularly true in the proposed paragraphs (e)(3)(v)(A)-(E). Including all of the detailed criteria for hydrogen control from Appendix (B) of NUREG-0718 obviates the use of alternative approaches to hydrogen control which may be developed in the future. This section is inconsistent with the Commission's overall approach in this rule, and should be modified to eliminate the detailed criteria.

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A similar tendency is also noted in paragraph (e)(2)(xii) which requires "an analysis of the effect of containment integrity and return to power of automatic AFW system initiation with a postulated main steam line leak inside containment". The requirement for this analysis is apparently in response to a question raised during the development of control grade automatic initiation systems for interim use in operating plants to fulfill NUREG-0578 requirements. It should be noted that the first part of paragraph (e)(2)(xii) mandates a safety grade automatic initiation system. Including a requirement for this specific analysis in the rule merely institutes a regulatory requirement for an analysis of a condition that would normally be assessed during the design of a safety grade system. In fact, the Code of Federal Regulations and the General Design Criteria already require this condition to be addressed in the design process. The requirement for this specific analysis should therefore be deleted from the rule.

We note that the intent of the requirement of a plant specific risk assessment is to seek significant and practical improvements in the reliability of core and containment heat removal systems that do not impact excessively on the plant. The terms associated with this requirement should be discussed in the Commission's Statement of Considerations associated with this rule. This discussion is necessary in order to minimize confusion in the rule's implementation. C-E believes that the Commission should define "significant" in terms of providing a substantial reduction in risk to the public's health and safety. "Practical" and "impact excessively" should be defined in the context of a rigorous cost/benefit analysis. The addition of new hardware features should not be a foregone conclusion in these reliability studies and the focus of the required studies should be limited to evaluating potential remedies which could provide significant risk reduction. Any major modifications that are recommended should undergo the scrutiny of a complete cost/benefit assessment. In addition, this requirement should be coordinated with other rulemaking proceedings in progress, specifically the development of an overall safety goal.

As stated in our referenced letter, C-E believes that no plant specific hardware changes should be proposed until the various concepts have been evaluated in relation to an overall safety goal. In addition, by proceeding in this fashion, the Commission can also ensure that no additional features have been required of different plants of a similar design solely on the basis of its stage in construction. In fact, unless it is site specific, no standardized plant should be required to make any change that is not ultimately required of all plants of the same design.

If I can provide any additional comments in this matter, please advise.

Very truly yours

COMBUSTION ENGINEERING, INC.

A. E. Scherer
Director
Nuclear Licensing

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