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

DOCKET NUMBER
PROPOSED RULE PR 50
45FR65247

Attention: Docketing and Service Branch

Subject: Comments on the Proposed Changes to 10 CFR Part 50, Federal Register Notice of October 2, 1980

Gentlemen:

The Federal Register dated October 2, 1980, contains the Advance Notice of Rulemaking on Licensing Requirements for Pending Construction Permit (CP) and Manufacturing License (ML) Applications. Bechtel Power Corporation wishes to comment on the concepts and issues raised by this notice and NUREG-0718 referenced therein.

We believe that Option 3 should not be used for resumption of Construction Permit licensing. The commitments required in areas subject to rulemaking have a potential for significantly delaying the CP licensing process; it is not evident that these commitments will result in significant safety improvements.

NRC Staff review of the pending construction permit applications has been suspended since March 28, 1979. Since that time, 10 plants, involving 15 units, have been cancelled. Promulgation of the proposed licensing requirements as issued for comment increases the likelihood of further cancellations. We believe that the comments on the requirements should be expeditiously resolved, recommend that Option 1 be used, and that the final requirements be issued promptly so CP licensing can be resumed.

Attached are our detailed comments on the issues raised by the Notice of Proposed Rulemaking.

Sincerely,

A L Cahn

A. L. Cahn
Manager of Engineering
Thermal Power Management

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Acknowledged by card. 11/17/80

COMMENTS ON:

10 CFR Part 50

"Proposed Licensing Requirements for Pending Construction Permit and Manufacturing License Applications"

Item 1 Siting

The requirement for applicants to compare their site against the new siting criteria is not consistent with the NRC FY-80 authorization bill. Section 108(a) of the bill authorizes funding to establish demographic requirements for siting. Paragraph (b) of that section specifically excludes any facility for which a construction permit application was filed on or before October 1, 1979, from regulations promulgated under this section of the bill.

As noted in NUREG - 0348, the sites that have been selected in recent years have generally been located in low population density regions. It does not appear necessary to impose the NUREG-0625 guidelines on pending applications. In most cases, the applicants have already performed detailed site studies and may have received site approval from the state and federal regulatory agencies. A reevaluation of the selected sites against NUREG-0625 siting requirements may require a reopening of lengthy hearings as well as detailed studies of alternate sites. Furthermore, each of the applicants has, over a period of as many as 8 years, participated fully with the Commission in evaluations of alternate sites. Such evaluations are well documented on the dockets and in the staff FES. The net effect of a reevaluation of the proposed sites against NUREG-0625 would be to reopen individual hearings with a substantial and costly delay.

Item 2 Degraded Core Rulemaking

The first requirement under this item pertains to conformance with the Interim Rule on Hydrogen Control (Federal Register Vol. 45, No. 193). The design analyses required by the proposed Section 50.44(c)(2) of the Interim Rule appears unnecessarily broad and generic as discussed in the Supplementary Information section. In particular, no indication is given of what use will be made of such input on each individual docket nor of the scope of such efforts even if performed by owner's groups. The staff analyses, contained in the referenced SECY documents, appear sufficient to justify not inerting Mark III BWR and all PWR containments. Also, based on the referenced NRC staff investigations and the actual TMI-2 experience, there appears to be no urgent need for additional studies on conventional PWR pressure containments. We do not believe that NRC rules should be employed to direct studies (particularly those that might involve research and development) and open ended design modifications in the absence of specific, unambiguous definition of the event and appropriate acceptance criteria.



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The second requirement in this item pertains to degraded core features. We have examined in preliminary form some of the degraded core features mentioned in the "do not preclude" portion of this requirement. Our conclusion is that the proposed requirements are inconsistent with the premise for selecting Option 3, particularly on core retention systems.

The requirements for core retention systems as determined from rulemaking could range from actively cooled systems for permanent retention of core debris to features which require no containment foundation change. The core retention systems which affect the design of the foundation would have significant cost and schedule impact on many of the pending applications. This is due mainly to the advanced stage of engineering and construction schedule extension required for changes to the foundation, and the significant time lapse required to perform research and development on concepts beyond the present state of the art in terms of proven engineering design. Paraphrasing the objectives for selecting Option 3, the potential core retention features which may result from rulemaking are not defined sufficiently to permit the applicants to make better-informed decisions; there is no clear statement of requirements. The lack of acceptance criteria will complicate rather than contribute stability to the CP review process. The pending applications represent a small percentage of the plant population when compared to those in operation or under construction. These plants, when operating, represent a small incremental risk to the public and pending the outcome of rulemaking would be exposed to the same backfit risk as other plants under construction. Therefore, the core retention portion of the proposed requirement should be eliminated.

It appears practicable to backfit features such as containment filter vent systems and hydrogen control measures without significant impact on early construction. In the absence of acceptance criteria for these features, however, it is not evident how the CP review process will be successfully concluded. The Commission should issue instructions to licensing and appeal boards which will prevent the CP hearings from evolving into de facto rulemaking on degraded core features.

The third part of the degraded core requirements ask the applicant to evaluate additional features they propose to include which have a potential for significant risk reduction. This requirement should be eliminated since it would not be advisable to add a feature precipitiously before its impact on safety has been thoroughly studied. The reliability effect for a particular change will not be known until a reliability evaluation has been completed. Requiring an evaluation of features and quantification of their risk impact prior to CP would be inconsistent with the premise of Option 3 since the delay in CP issuance associated with this quantification would have significant cost impact due to project schedule delays.

Item 3 Reliability Engineering

This requirement should be clarified. Change the wording "...simplified reliability analyses..." to "...qualitative reliability evaluations similar to those performed by OL applicants and operating reactors for auxiliary feedwater systems..."

It is not appropriate to require more extensive reliability analyses as a licensing requirement at this time. Evaluation criteria have not yet been fully developed to determine the acceptability of various plant system designs. In addition an NRC-accepted reliability analysis methodology will probably not be finalized until after the IREP program has been completed.

Standard Review Plan Compliance Review

The requirement to identify and provide a basis for all deviations from the SRP should be eliminated as a pre-CP requirement. With the exception of post-TMI requirements, many of the pending CP applications have undergone extensive NRC staff reviews. Imposing this requirement has a potential for delaying further the issue of Construction Permits and the cost of these delays is not justified. General Counsel Leonard Bickwit, Jr. concluded in an August 14, 1980 Memorandum to the Commission "that a finding of compliance with all applicable safety regulations is generally a prerequisite to license issuance, and that the present safety review process provides a legally adequate basis for a compliance finding." He submitted recommendations to provide better documentation and assurance the regulations were complied with. On implementation, the Office of General Counsel said they did not believe the law required that the recommendations be completed prior to license issuance. We concur. Pending CP applicants should be treated the same as plants under construction on this issue.

The following comments refer to NUREG-0718, Appendices B and D. The Action Item numbers appear at the left of the page.

I.D.2 Plant Safety Parameter Display Console.

Add a reference to the document where the "Staff Criteria" for the plant safety display console can be found. We understand the next revision of NUREG-0696 is to be issued by January 1981 and suggest it be considered as the reference document.

I.D.4 Control Room Design Standard

Based on current status, the amended IEEE 566 will not be available until sometime in 1981. The conformance review against IEEE 566 should therefore be changed to Category 3.

II.A.2 Site Evaluation of Existing Facilities

Refer to the previous comments (Page 1) on siting requirements for pending CP applications.

II.B.1 Reactor Coolant System Vents

Item (2), hydrogen analysis requirement, has been superseded by 10 CFR 50.44C Interim Requirements on Hydrogen control. This item should be deleted since II.B.8 requires applicants to describe the degree of design conformance with the proposed interim requirements. Comments on hydrogen analysis requirements are provided on Page 1.

II.B.8 Rulemaking Proceeding on Degraded Core Accidents

The requirement to assess design conformance to the proposed interim rule on hydrogen control should be changed to Category 4. Where the individual items of the interim rule appear in NUREG-0718 they are classified Category 4. Also refer to previous comments (Page 1) on degraded core rulemaking.

II.C.4 Reliability Engineering

Refer to previous comments, (Page 3) on Reliability Engineering.

II.D.2 Research on Relief and Safety Valve Test Requirements

The two entries shown for this item should either be combined or one entry deleted.

II.F.3 Instrumentation for Monitoring Accident Conditions (Regulatory Guide 1.97)

Since the issuance of Regulatory Guide 1.97 has been delayed and the issue date is not certain it is recommended that the wording be revised to specify "Regulatory Guide 1.97, Rev. 2, Draft 3 as modified Nov. 7, 1980, or later revisions."

III.A.1.1 & III.A.1.2 Emergency Preparedness & Emergency Support Facilities

Two entries are shown for each of these items. They should either be combined or one entry deleted so only one set of requirements appears for each item.

III.D.1.2 Radioactive Gas Management

Eliminate Item III.D.1.2 as a pre-CP requirement since the objective for including it is not evident. It is evident from the TMI-2 Recovery Program, that various noble gas recovery systems lend themselves to backfit application. NRC research on this item is not scheduled to begin until FY82 or later according to NUREG-0660. Given the precedent established in the course of the TMI public hearings related to TMI-2 containment purging, it appears that treatment of containment air for the purpose of gas removal is not cost-beneficial. Therefore it is highly unlikely that the ongoing NRC studies will culminate in a requirement for such treatment. If noble gas recovery systems are required as a result of this research, there is reasonable assurance these systems can be backfitted. Pending CP applicants should be treated the same as plants under construction on this issue.

III.D.2.3 Liquid Pathway Radiological Control

This item should be eliminated since it would be more appropriate to address requirements for groundwater interdiction as part of the degraded core rulemaking.