

RS 224-5

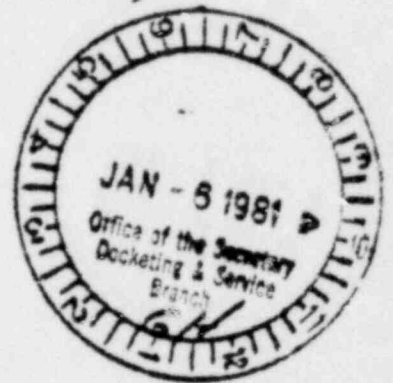


Commonwealth Edison
One First National Plaza, Chicago, Illinois
Address Reply to: Post Office Box 767
Chicago, Illinois 60690

35

DOCKET NUMBER
PROPOSED RULE PR 50
45 FR 65474

December 29, 1980



The Honorable John Ahearne
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20006

Dear Chairman Ahearne:

Commonwealth Edison Company has reviewed the proposed 10 CFR Part 50, Domestic Licensing of Production and Utilization Facilities; Consideration of Degraded or Melted Cores in Safety Regulations as published in the Federal Register Vol. 45, No. 193 Thursday, October 2, 1980, pages 65474-65477, and endorse the comments of the AIF Committee on Reactor Licensing and Safety. In addition, as the nations largest nuclear utility, we would like to submit the following general comments:

1. In the interest of the national economy and national defense, we believe that the NRC must reduce the current regulatory uncertainty. One way to advance that position is by the prompt adoption of the interim rule regarding degraded core conditions. In addition, the interim rule must be accompanied by a policy statement by the Commission which assures that litigation of issues within the scope of the degraded core conditions under consideration by the Commission will not take place in individual hearings. Thereby, the outcome of any rulemaking proceedings will not be pre-empted and current licensing proceedings will not be unduly delayed by lack of direction on this issue. We have observed with dismay the admission of contentions in the TMI-1 restart proceeding and the Diablo Canyon operating license proceeding which deal with degraded core issues. The policy statement should also describe how the Interim Rule is to be applied by licensees, applicants, the Staff and licensing boards and how the need for a final rule will be determined. Certainly, the proposed Advanced Notice does little to clarify these points.

L-4-1, PR 50

2. It is imperative that an integrated approach to the various rulemakings being proposed be undertaken, with priority attention given to development of a safety goal and methodology for determining compliance with that goal. The Commission must provide reasonable assurance that existing plants -- those in operation and under construction -- licensed under present regulations will be excluded from new design or siting rules that may evolve later unless these plants do not meet the safety goals that are established.

3. Although the further exploration of Class 9 accidents should be continued in order to enhance the overall understanding of the safety of nuclear power plants, we believe it would be unwise at this time to extend the licensing process to consider accidents more severe than currently defined design-basis accidents. These design-basis accidents represent the culmination of a long series of carefully considered steps that have served the nation well for twenty-five years and should not lightly be changed. Furthermore, many studies have shown that the use of design-basis accidents has resulted in the establishment of engineered safety systems for light-water reactors that have significant capability to prevent and to mitigate the consequences of more severe accidents.

4. It is absolutely necessary to establish a firm technical basis to decide whether or not any permanent change in existing rules is necessary. This would include exploration of recent licensee actions as well as technical findings (such as fission product retention), which are the outcome of many of the TMI related activities now under way. The purpose should be the development of a cogent, technical framework aimed at discovering where risk can be reduced significantly and cost-effectively. The primary focus must be on prevention, because a viable nuclear industry depends upon our ability to prevent a degraded core condition from occurring. Here at Commonwealth Edison we have already undertaken several major efforts at our plants beyond those imposed by various NUREG's

The Honorable John Ahearne

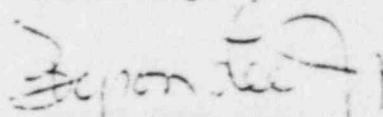
December 29, 1980

Page 3

that have certainly reduced the risk of reaching the point of a significant degraded core.

It is likely that additional research can best be directed to reduce reactor risk by concentrating on the design, reliability, and operation of existing engineered safety features to give greater confidence in their capabilities to deal with severe accidents. The nuclear industry is doing a lot more research in these areas. It is also in the process of initiating a large, coordinated program to concentrate on key degraded core related issues. This program (IDCOR) should provide the industry and NRC with significant direction over the next two years. We recommend that the NRC proceed on a parallel course as a precursor to initiating any actual rulemaking proceeding.

Sincerely,



Byron Lee, Jr.

Executive Vice-President