

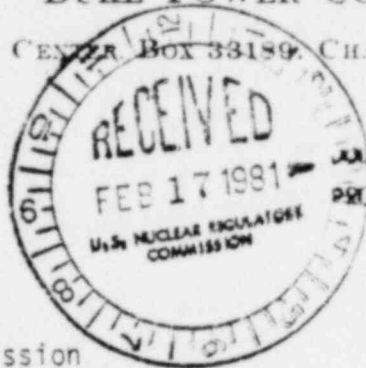
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DUKE POWER COMPANY

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L. C. DAIL
VICE PRESIDENT
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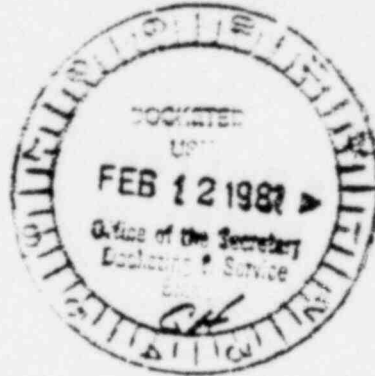
February 6, 1981



JANUARY NUMBER PR 50
PROPOSED RULE 45 FR 81602

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

Attention: Docketing and Services Branch



Re: Advance Notice of Proposed Rulemaking
Federal Register 81602, December 11, 1980
File: A-12.16-1

On December 11, 1980 the Nuclear Regulatory Commission published in the Federal Register an Advance Notice of Proposed Rulemaking entitled "Domestic Licensing of Production and Utilization Facilities; Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permit". Duke Power Company has been involved in the construction of nuclear power plants since 1966. In fifteen years, we have received ten construction permits for light-water reactors to be constructed within our service area. We currently have three additional construction permit applications pending before the Commission. The need and requirement to make changes in facility design after issuance of a construction permit has been amply demonstrated on our projects. On this basis we are responding to the Advance Notice.

The Advance Notice describes 5 alternatives currently under consideration by the Commission as a means to more clearly define the limitations on a construction permit holder to make changes in the facility design and other changes after issuance of construction permit. The NRC Staff has indicated its preference for implementation of alternative 3 which is the adoption of a rule defining principal architectural and engineering criteria with a later shift to alternative 5 which is a restructuring of the licensing process to require that sufficient plant design details and equipment performance be provided in the PSAR so that CP stage safety analyses can be essentially the final analysis. We urge the Commission to proceed with the development of alternative 5 because we view alternative 5 as a one-step licensing process which would be applicable to future applications. For many years the industry and the commission have discussed a one-step licensing process but thus far, little progress has been made. Application of a one-step licensing process or of alternative 5 to plants which currently have construction permits would be unworkable from a practical viewpoint and would provide no improvement in public health and safety while requiring a great deal of effort on the part of the industry and the NRC.

Acknowledged by card ... 2/12/81

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Alternative 4 suggests a rule that all details of the application including the PSAR be made conditions of the CP and that these conditions may not be changed prior to approval by the Commission; this is unacceptable. This alternative would require review and approval regardless of the significance or detail of a change before implementation. This required mandatory review would greatly complicate design and construction planning and scheduling and would result in increased plant costs due to construction delays which would occur.

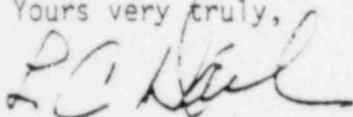
Implementation of alternative 3 proposed by the Staff would require the development of appropriate criteria which would be applicable to the many plants now under construction. This alternative is an improvement over others which would define the limits of acceptable design changes that would not require NRC approval before implementation; however, it would be difficult to develop criteria which would be meaningful and yet not be unduly restrictive. Such a set of rules if literally enforced could severely limit an applicants ability to make necessary improvements without a CP amendment and NRC approval. This plan would also likely contribute to increased construction delays and plant costs. We do not believe it appropriate to allocate NRC Staff resources on the development of such a list and recommend that the NRC not proceed with the development and implementation of this alternative.

Alternative 1 which maintains the status quo is admittedly imperfect, however, it is the only practical alternative for those plants now under construction. Alternative 2 which could implement changes that the NRC has recognized for the identification, review, and control of CP stage permits, would best fulfill the need to control design changes and would also allow applicants to evaluate and implement necessary changes with a minimum delay in schedule. Any proposed rule which would be adopted concerning this alternative should provide sufficient guidance to determine if a proposed change requires NRC notification, prior approval, CP amendment, or no review at all. Since a review of "minor" design changes would not be mandatory, the schedule and cost advantages of this alternative are obvious. Furthermore, development of this alternative would reflect the thinking of existing regulations and it could be implemented with a minimum delay on both existing and future CP stage projects.

In summary, we urge the Commission to develop the one-step licensing alternative for plants applying for future construction permits; but, in the meantime suggest alternative 1 and/or 2 are most practical.

We would be pleased to respond to any questions the Commission may have concerning our comments.

Yours very truly,



L. C. Dail, Vice-President
Design Engineering Department

DBB/pam