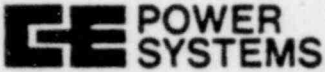


C-E Power Systems  
Combustion Engineering, Inc.  
1000 Prospect Hill Road  
Windsor, Connecticut 06095

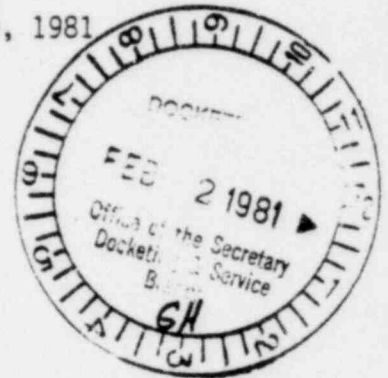
Tel. 203/688-1911  
Telex: 99297

DOCKET NUMBER **PR 50**  
PROPOSED RULE **45 FR 81602**

3



January 29, 1981  
LD-81-010



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

ATTN: Docketing and Service Branch

Gentlemen:

Combustion Engineering (C-E), in review of the Federal Register Notice, Vol. 45, No. 240, dated December 11, 1980, "Domestic Licensing of Production and Utilization Facilities; Design and Other Changes in Nuclear Power Plant Construction Permit", wishes to make the following comments.

The primary objective of this proposed rule is to insure that significant changes in the design of safety systems, as first described in the Preliminary Safety Analysis Report (PSAR), are reported to the NRC staff in a timely manner. Proposed to satisfy this goal are alternatives 1 through 5 of the subject Federal Notice. An indepth review of these suggested solutions brings forth C-E's conclusion that only alternatives 1 and 5 should be utilized.

Alternative 1, "status quo" presently promotes the reporting of changes to significant safety systems through the requirements of 10 CFR 21, 10 CFR 50.55(e), 10 CFR 50.59, 10 CFR 50.90, and 10 CFR 50.91. This criteria was upheld by the decision in Power Reactor Development Co. v Electrical Union, 362U.S.396 (1961). Coupled with the resident inspector program, these current procedures reflect a mature approach in reporting to the NRC staff design changes after the issuance of the Construction Permit.

The utilization of alternative 5 for designs having final information at the PSAR stage should be phased in as an option available to each utility. In this scheme, information presented to the staff at the construction permit stage would be of a detailed quality which is essentially equivalent to that contained in the Final Safety Analysis Report. Changes to the system would therefore be minimized. The industry with the guidance from the NRC staff, have initiated the process of alternative 5 through the efforts of standardization. Industry incentive to produce final safety information early in the licensing stage, coupled with the NRC staff's desires to be duly informed of the final design of the safety system early in the construction stage, makes alternative 5 a strong complement to the status quo process of alternative 1.

8108060738

acknowledged by card..... 2/2/81.....

L-4-1, PR-50

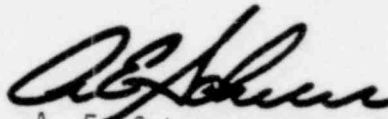
It must be recognized that some minor changes to the plant design during the construction stage must be anticipated. Advances in the state-of-the-art or modifications initiated from discoveries of improvements in previous plants will be primary factors for vendor and utility changes. These types of modifications must not be eliminated. Alternatives 2, 3 and 4 add procedural complications and potential delays in construction caused by extended review periods. Remembering that zero change is not the goal, but only timely notification of significant changes to safety systems, the additional burden of alternatives 2, 3 and 4 should not be implemented.

In summary, alternative 1, "status quo" should be maintained to provide a proper balance between notification of design changes while not discouraging the utility from implementing significant plant improvements. In addition, alternative 5 should be phased in, to complement alternative 1, allowing the applicant to supply final safety analysis information where practical.

Should the Commission desire a further detailed analysis of C-E's position on this subject, please feel free to contact me or Mr. T. J. Price of my staff at (203)688-1911, Extension 2803.

Very truly yours,

COMBUSTION ENGINEERING, INC.



A. E. Scherer  
Director  
Nuclear Licensing

AES:dac