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45 FR 81602

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Office of the Secretary
Docketing & Service
Branch

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

Attention: Docketing and Services Branch

Subject: Advance Notice of Proposed Rulemaking - 10 CFR Part 50 - Domestic Licensing of Production and Other Facilities; Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permit (45 FR 81602 - December 11, 1980).

Dear Sir:

The Atomic Industrial Forum Committee on Reactor Licensing and Safety (CRLS) has reviewed the subject advance notice of proposed rulemaking and has the following comments.

We believe that effective enhancement of nuclear safety and the most efficient use of NRC staff, as well as industry, resources would be through a program involving Alternative 1, and the evolution of Alternative 5 as an optional approach. This approach, coupled with other initiatives and the continuing maturing of nuclear power plant design and licensing practices will benefit the Commission staff, applicants and other participants in the licensing process.

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As stated in the advance notice of proposed rulemaking, the present regulations were formulated in a time frame - over a decade ago - when "the rapidly expanding technology in the field of atomic energy" resulted in "new or improved features or designs that...enhance the safety of production and utilization facilities...continually being developed". Since that time, the content of applicant PSARs has increased many fold in conformance to Commission guidance, as expressed in Regulatory Guide 1.70 and in staff requests for information. In the past decade, nuclear power plant designs have become significantly less developmental and, hence, far more stabilized. This progress has been aided noticeably by the adoption, in both industry and the Commission, of standardization programs. In addition, the Commission's regulations relating to reporting requirements (10CFR 50.55(e), and 10CFR 21) and applications for amendment to licenses and construction permits (10CFR 50.90 and 50.91) coupled with both the resident inspector program and the increasingly vigorous enforcement policies of the past few

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years provide the staff with a wealth of information relative to specifics of Post C.P. changes and associated safety aspects.

The body of regulation and regulatory criteria to be satisfied by an applicant is exemplified by the 55 General Design Criteria and hundreds of other regulatory guidelines. The details of how an applicant satisfies these requirements have grown, during the past decade, in both quantity and depth to the point where the 1 to 4 volume PSARs of the 1960s have expanded to the 15-20 volume PSARs of recent years. An even greater increase has occurred in notification, to the Commission, of both design and construction changes, with such notification in the form of letters and reports (under the Commission's regulations). Additional information is obtained by the Commission in response to requests to applicants. Furthermore, the quality assurance program described in Appendix B to 10 CFR Part 50 requires control of both design changes and changes to documentation. Records of such changes are available for inspection by NRC. The expanded use of standardized designs has, on the other hand, both reduced the number of potential changes as well as simplified the staff's task of performing safety reviews of a design and design changes.

Thus, the amount and detail of information supplied by an Applicant and available to the NRC staff has been discerned by the staff, over the past two decades, as necessary to perform the required safety review. We believe that this information is completely adequate to enable the NRC Staff to determine if the Commission's regulations are being satisfied. We further believe that, from a realistic and practical point of view, the volume of information currently available has gone well beyond a simple listing of principal architectural and engineering criteria and, in fact, obviates the need for such a listing.

The recent Commission-originated improvements in both the technical capabilities of the Office of Inspection and Enforcement and the coordination between that Office and the Office of Nuclear Reactor Regulation should hasten and simplify the effective utilization of the normally available information, which will enable the staff to overcome the concerns expressed in the advance notice of proposed rulemaking.

The above described course of action, which is built upon Alternative 1, will provide the necessary assurance that plants presently having a CP, those for which a CP has already been

requested, and future plants will be adequately regulated with respect to post-CP changes.

As stated earlier, we believe that a program involving Alternative 5 would also be beneficial for future plants. The extensive development and use of standardized designs during the 1970s has led many to suggest that institution of a single-stage licensing process is now appropriate. That process, leading to simultaneous issuance of a CP/OL, is inherent in Alternative 5.

The Commission itself accepted single-stage standardization licensing as a concept meriting study (Statement on Standardization of Nuclear Power Plants; Federal Register: Volume 43, No. 170, August 31, 1978) and responsive to the NRC Special Inquiry Group report (NUREG CR-1250), as discussed under Task V.B.9 of NUREG-0660, NRC Action Plan Developed as a result of the TMI-2 Accident.

The AIF CRLS Subcommittee on Standardization is presently developing guidelines for information to be included in a SAR for use in a single-stage process. These guidelines will be in the form of a proposed revision to Regulatory Guide 1.70. The direction of this effort is well described in the advance notice of proposed rulemaking by "...sufficient plant design details and equipment performance specifications be provided...so that the safety analysis can be essentially a final one" and such that after issuance of the CP/OL "staff review...would then be primarily a matter of confirming that the 'as built' plant conformed" to both the already-performed safety analysis and the CP/OL commitments and conditions.

We concur that a program based on Alternative 5, as discussed above, would fully satisfy the Commission's objectives and, further, that such program could be applied practicably only to new CPs.

The dual approach we have suggested would maximize effectiveness in staff resources in that the "status quo" approach, as described in this letter, would not require development of any new procedures or criteria and would eliminate need for retraining. The "single-stage licensing" approach would similarly build upon more than 20 years of extensive licensing, design, construction, and operating experience and feedback on the part of both the staff and industry. Implementation of the

two programs we have suggested would hence obviate the need to reassign, to the development and trial use of procedural systems (for Alternatives 2, 3, & 4) clearly destined to be short-lived and requiring retraining, competent and experienced staff personnel from ongoing activities oriented toward recovering licensing schedules for NTCPs and NTOLs and maintaining regulatory overview of CPs and OLs.

In summary, it is our judgement that the volume and detail of information provided under current regulatory requirements (Alternative 1) governing the two-stage licensing process is entirely adequate to enable NRC staff determination of compliance with the regulations. In addition, we believe that the adoption of a program based on Alternative 3, as an option to the present two-stage licensing process will further enhance the NRC staff ability to determine compliance with regulations.

It is our view that such a dual approach will be most beneficial to enhancement of safety and efficient use of staff resources to deal with design and other changes after completion of staff safety review.

We would be pleased to discuss this with you further at your convenience.

Very truly yours

D.C. Gibbs
Chairman
Committee on Reactor
Licensing and Safety

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