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

Attention: Docketing and Service Branch

Subject: Proposed Rule "Licensing Requirements for Pending Construction Permit and Manufacturing License Applications" (46 FR 18045 March 23, 1981)

Dear Sir:

Commonwealth Edison has reviewed the subject proposed rule and offer the attached comments. We appreciate having been given the opportunity to comment.

Sincerely,

L. O. DelGeorge

FOR/ J. S. Abel
Director Nuclear Licensing

L-4-1, 14.50

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Commonwealth Edison Comments on "Licensing Requirements for Pending Construction Permit and Manufacturing License Applications" (46 FR 18045 March 23, 1981)

General

1. The proposed changes to 50.34 constitute extremely detailed requirements which would be better and more usefully defined in regulatory guides or a revised standard review plan. The incorporation of this level of detail in a regulation, aimed currently at seven applications, seems to be unnecessary. Moreover, the incorporation of these details in a regulation reduces the ability of the NRC to revise these requirements in a timely manner to accommodate new information. Since many of these requirements relate to degraded core conditions, and since a rulemaking to consider the issues associated with such conditions is proposed, it appears that the inclusion of detailed requirements related to degraded core conditions in this regulation is premature.

2. The regulation being proposed for revision has, as it's basic purpose, the identification of information required of license applicants in SAR submittals. The proposed changes, however, go far beyond the identification of information. Despite the introductory wording of the proposed changes, the changes actually impose design criteria on the applicants. This is entirely inappropriate for this regulation. Moreover, the proposed changes actually impose design criteria related to degraded core conditions (e.g. the employment of 100% fuel-clad metal water reaction and the requirement for a 3 foot diameter opening for the future installation of filtered, vented containment systems). Such an imposition is even more inappropriate in that the degraded core rulemaking process has been identified as the regulatory vehicle for investigating these areas & establishing what, if any, criteria relative to degraded core conditions are to be imposed.

These proposed changes therefore circumvent an established process aimed at full & public participation & substitute a brief period of public comment on current NRC Staff perceptions as expressed by these changes.

Specific

1. Paragraph (e) (1) (i): The employment of plant/site specific PRA studies is not of itself objectionable. However, the use of these studies, as proposed, ("to seek such improvements ····· as are significant & practical ·····.") results in a very basic problem. The terms "significant" & "practical" are not defined. Logically, they should relate to the effect of the improvements on the overall risk curves from the PRA work and further to the relationship of those curves to a uniform safety goal. Since the NRC has not as yet established a uniform methodology for such studies, or criteria for judging the worth of improvements, or a uniform safety goal, the proposed usage for the studies appears premature.

2. Paragraph (e) (1) (ii): Given the existance of the paragraph discussed above, this paragraph is superfluous. A PRA study would include the analyses & reviews discussed in (ii).

3. Paragraph (e) (1) (iii): Our second comment, above, applies to this paragraph as well.

4. Paragraph (e) (1) (iv): The PRA analyses required by paragraph (i) would also include the analyses discussed here in terms of the probability of small LOCA events. The criteria for judging whether or not an improvement is to be made should, however, not rest with LOCA probabilities but rather with overall risk contribution and ultimately with the comparison of plant risk to a uniform safety goal.

5. Paragraphs (e) (1) (v thru xii): All of the topics discussed in these paragraphs could readily be considered in the PRA study discussed in paragraph (i). However, it appears that many of the studies listed & the criteria discussed have a basis only in NRC Staff judgement. If the PRA studies are performed, these additional studies should be required only for those cases where the basic systems & related questions involved are shown to have a significant contribution to risk. Such an approach would help to prioritize the work to be done & to conserve industry & NRC resources.

6. Paragraph (e) (2) (iii): If the NRC plans to review in detail and approve the control room designs, they must be prepared to accept substantial responsibility if not liability for any changes made under their direction. The word "approval" has very specific legal connotations in the engineering area.

7. Paragraph (e) (2) (vi): Given that the initial reaction to TMI has passed, it may be well to review this requirement carefully on a plant specific basis to see if any core cooling benefit can be established. The regulation might better require such a review rather than dogmatic compliance with a requirment that was developed under a great deal of pressure. For some plants, such a feature may well offer no real benefit.

8. Paragraph (e) (2) (ix): As noted in our general comment 2, the establishment of 100% clad-water reaction should not be included in this regulation. In addition to those earlier comments, it can be noted that no technical basis exists to substantiate the choice of a 100% value. The NRC Staff, in their March 24, 1981 presentation to the ACRS Subcommittee on Class 9 Accidents discussed this issue at some length. In those discussions, values far less than 100% were presented as being conservative and entirely adequate. Moreover, a great deal of evidence should be forthcoming in the immediate future to shed further light on this subject.

9. Paragraph (e) (3) (iv): Again, this topic has been addressed in our general comment 2. In addition to those remarks it is worth noting that no technical basis exists for the 3 foot sizing. The series of informal meetings on Zion, conducted during 1980, revealed that size estimates for such openings ranged from 4 inches to 18 feet in diameter. Given this situation on one specific plant, and the sensitivity of such sizing to individual plant designs, an attempt to represent a variety of plants of different types by specifying a 3 foot diameter opening does not appear rational or responsible. A more reasoned approach would be to investigate, on a plant specific basis, both the sizing requirements for and risk benefits of features such as filtered vents. Such work could be done in the context of the plant & site specific PRA efforts.

10. Paragraphs (e) (3) (v) (A thru C): Our earlier comment (number 8) regarding metal water reaction applies to these items as well.

11. Paragraphs (e)(1)(xv), (e)(3)(iii), (e)(3)(iv)(B thru D); Each of these items are either premature impositions of requirements not yet authorized by the NRC or are clearly the subject of current ongoing rulemaking e.g. hydrogen control and degraded core rulemaking. To impose these requirements at the CP stage precludes the full airing of these issues prior to assumption by the applicant of construction costs. Although inquiry into the applicants proposed approach for addressing these subjects may be justified, mandating a commitment after a 20 day notice and comment rulemaking - when full and extensive adjudicatory hearings are in process is a violation of the NRC's discretionary powers which clearly violates the applicant's due process right to a full hearing. Leaving such matters to individual boards under this rule is dilatory and will unnecessarily extend the CP hearing process.