

Proj-669

March 17, 1994

W. T. Russell
Director, Office of Nuclear Reactor Regulation
USNRC
Mail Stop 12G18
Wash DC 20555

Dear Mr. Russell:

Reference: Russell To McDonald, March 9, 1994, "Revised Schedule For Issuance Of NUREG-1242 Concerning The Electric Power Research Institute (EPRI) Requirements Document For Passive Plant Designs"

This letter is in response to the letter referenced above that you plan to publish the final SER in early summer (Ref. 1).

In your letter you indicated that the release of the advance final SER last year and the subsequent interactions among the ALWR and NRC staff, as well as with the Advisory Committee on Reactor Safeguards (ACRS), were of major benefit to EPRI and the industry. We agree with this assessment, and commend the NRC staff for the large amount of work that went into the preparation of the URD - SER. The Commission input and decisions on issues in SECY-93-087 have also been key contributors to the process.

In your letter, you suggest that if the NRC were to publish the FSER now, the preliminary/incomplete status of the policy issues associated with the regulatory treatment of non-safety systems (RTNSS) and the new source term would result in FSER open items requiring further review and publication of a supplemental FSER. Based on the status of resolution for these open items, you recommend an FSER publication of early summer 1994.

We recognize that in its present state, the SER will contain some open items.

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However, we believe the SER should be released in its present form essentially immediately, with an amendment/supplement to follow later in 1994 to provide for the documented closure of the open items such as the RTNSS and source term.

We believe that delaying issuance of the URD - SER, even in its present form, increases the regulatory uncertainty faced by the passive plant designers. Although some items would remain open a short while longer, the current FSER will serve to close hundreds of other items. This improves the predictability of the licensing process. We have reviewed these concepts with the vendors, and find that this approach is necessary to support the current design development schedules for the passive plants.

With respect to the resolution of the RTNSS and the Source Term issues, we offer the following comments.

- Source Term

The NRC Staff position on the source term issue was described in last month's draft SECY on the subject. Industry and ACRS interactions on technical and policy issues are ongoing, as part of the commenting process for the draft SECY. The ALWR Program has reviewed the draft SECY, and will be forwarding detailed comments in a separate letter. We will follow that up with direct interactions with the NRC staff, in order to explain the comments. We would also like to meet with you at a later time to review progress on this and other ALWR issues.

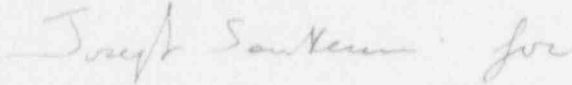
- RTNSS

We understand the staff position on RTNSS is in final review at high levels within NRC management and should be released very soon. The ACRS comments were issued four months ago and the industry position was documented earlier. We understand that final Commission positions will be available some time after the staff recommendations are received by the Commissioners. This process could take several months. We believe that the RTNSS issue is substantially resolved, and all parties involved agree with the resolution. Based on this degree of confidence, one approach would be to produce the URD-SER based on the current positions of the NRC Staff. Should the Commission mandate changes in these positions, an SER Supplement later in '94 could document the necessary changes. As we understand the status of the issue, any such changes could be expected to be very limited in scope.

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Given the potential impact on the design certification schedules, I will call you to obtain your perspective.

Sincerely

A handwritten signature in cursive script that reads "Joseph Santucci for".

R. P. McDonald
Chairman, Utility Steering Committee

cc: J. Wilson (NRC), Project 669
J. Santucci (EPRI)

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