



August 10, 1995

Secretary of the Commission
U. S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852-2738

Attention: Docketing and Services Branch

Subject: Proposed Design Certification Rules for Standardized Advanced
Reactors (60 Federal Register 17902 and 17924)

Dear Sir:

The Nuclear Regulatory Commission (NRC) published on April 7, 1995, proposed Design Certification Rules for General Electric's Advanced Boiling Water Reactor and ABB's System 80+ standard designs and invited comments from the stakeholders. ComEd offers the following in that regard.

NRC is to be commended for undertaking the effort to establish an improved regulatory process under 10CFR Part 52. This improved regulatory process with the stated Commission goals of early resolution of safety issues, enhanced safety and reliability of future nuclear power plants, a more predictable and stable licensing process, and standardization of future plants, is also a key building block in the industry's Strategic Plan for Building New Nuclear Power Plants. The industry has expended significant resources on development of standardized designs for utilization of this improved licensing process and in working with the NRC in developing details of the implementation process for 10CFR Part 52. Issuance of these Proposed Design Rules marks a major milestone towards completion of that effort.

However, ComEd has serious concerns regarding many details of the implementation process as embodied in the Proposed Rules or as understood by us from preceding discussions between the Nuclear Energy Institute (NEI) and the NRC staff. Without a satisfactory resolution of these concerns regarding the implementation process, the objective of a stable and predictable licensing environment may be compromised to a point where the usefulness of design certification in licensing a new nuclear power plant may be lost. Some of our specific concerns follow.

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The Design Certification Rules do not contain explicit provisions to ensure that NRC will have a stable and predictable process for making its finding that the ITAAC have been met. Without a clearly understood basis for making such a finding, the whole foundation of the part 52 process may be in question.

The proposed rules do not provide sufficient finality for resolved issues and permitted changes. For example, sufficiency of the standard designs, i.e. the lack of need for additional safety features is not explicitly included as a resolved issue and thus has no finality. Additionally, changes permitted under 50.59 process are not accorded finality. Such lack of finality on resolved issues and on changes under 50.59 process create major uncertainties and risks for potential future owners.

The staff proposal for consideration of Severe Accident Probabilistic Analyses in 50.59 safety evaluations are overly burdensome. The Rules seem to require that any 50.59 evaluation consider all of the extensive analyses contained in Chapter 19 of the Design Control Documents. Furthermore, any change - even the most insignificant - in the PRA results contained in Chapter 19 is considered an unreviewed safety question. These requirements are unnecessarily burdensome.

The Design Certification rules do not allow Design Certification applicant to make 50.59 type changes after Design Certification. Such a provision is necessary to allow the industry to incorporate lessons learned. Without such a provision, the owner licensee will be left with the burden to justify all such changes on a plant by plant basis with consequent risks and potential departures from standardization.

New "Applicable Regulations" are unnecessary and will create a destabilizing effect through potential backfits. The design certification applicants have voluntarily agreed to incorporate design features that satisfy various staff positions. The staff has found these design features to be a satisfactory implementation of these positions. Inclusion of these new "Applicable Regulations" creates uncertainty as to how these "regulations" will be interpreted and applied in the future.

The foregoing is a very brief synopsis of some of our major concerns. Industry has additional concerns regarding many of the details of the proposed rules. NEI has prepared, with input and consultation from the nuclear utility industry, consolidated detailed comments on the Proposed Rules. These comments have been submitted to you on behalf of the nuclear industry, directly by NEI. ComEd fully supports these comments.

Resolution of these comments can ensure that the Proposed Rules will achieve its basic objective of reducing the regulatory uncertainties to a point where a potential licensee can have the confidence to invest the resources necessary to build a new nuclear plant using the standardized design and the Part 52 licensing process.

We strongly urge the NRC to give careful consideration to the comments provided by NEI on behalf of the nuclear industry.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Wallace".

Michael J. Wallace
Senior Vice President
Chief Nuclear Officer

cc: Phillip Bayne, Nuclear Energy Institute