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PROPOSED RULE PR-50 (2)
(49 FR 47034)

E Nemethy, Sec'y

Dec 30 -84

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Re: Revision of backfitting
Process - Fed Reg -Kov 30-84
p 47034

Secretary - NRC
ATT: SERVICE & DOCKETING BRANCH

Gentlemen =

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

- 1 - We are impressed by the ^{COMMISSIONER'S} candor in this statement, on page 47036: "Without cost as a competing consideration in these circumstances, the regulatory process takes on the characteristics of a quest for a risk-free plant - an unreasonable objective contrary to the overall intent of the Atomic Energy Act and the public interest."
- 2 - We support Commissioner Asselstine's proposed Alternative Rule. It's lucid, reasoned, and right. And we applaud his Additional Views for their perception and clarity of expression. Especially where he discusses the lax practices of issuing licenses based on very limited design info. All this is now coming back to haunt the industry. Diablo Canyon should never have been licensed - it was "faulted" from the start. Limerick should never have been licensed - it's only 30 miles from Phila. The list goes on and on... the "root causes" of your problems.
- 3 - If we read 50.109/^(a) correctly, backfitting would apply to all reactors sharing the same problem. If this is so, we question why it's necessary to specify the dates of issuing construction permits, docketing OL applications, or issuing operating licenses? Isn't all that superfluous?
- 4 - Finally in 50.109 (d) we question the inclusion of para. (5) saying the Commission will consider "the estimated resource burden on the NRC...and the availability of such resources." This looks like an awfully wide escape clause! Does it mean when a backfit decision becomes necessary for the public safety you might be unable to find "such resources"?

Add: James R. Trullalotte
H-1149

Very truly,

E. Nemethy 10

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Acknowledged by card 1/4/85