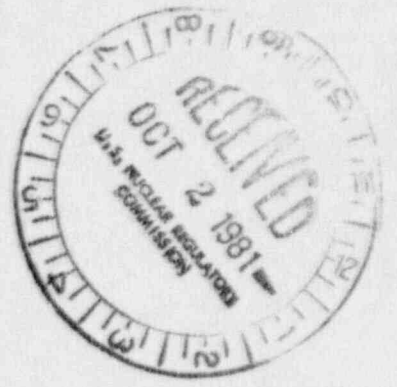


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SEP 17 1981



MEMORANDUM FOR: W. M. Morrison, Deputy Director
Division of Facility Operations
Office of Nuclear Regulatory Research

FROM: G. H. Cunningham III
Director and Chief Counsel
Regulations Division
Office of the Executive Legal Director

SUBJECT: CLARIFICATION OF RELATIONSHIP BETWEEN APPENDICES A AND B
OF 10 CFR PART 50 REGARDING QUALITY ASSURANCE

Though the proposed rule would clarify existing regulations concerning quality assurance, like the present regulatory system, it would provide no clear guidance (1) about the structures and components that would be included in the quality assurance program, and (2) about the criteria under which these structures and components would be included. In other words, the proposed rule leaves to a later date the development of detailed criteria concerning its coverage. We believe that the proposed rule should be specific in its coverage in order to assure reasonable implementation, consistent application, useful inspection, and even-handed enforcement. Moreover, because it is so open-ended, the rule may result in a backfit of major proportions without any explicit consideration of the resource and other policy implications of such a result. To alleviate these concerns, rather than publish the clarification as a proposed rule, it might be advisable to publish it as an advance notice of proposed rulemaking in which the Commission specifically requests the industry to comment on the rule's coverage and impact. This course of action might not only help the Commission assess the impact of the rule, but might also draw the sting from industry's comments, as well as reduce the possibility of any litigative risk associated with imposing unclear requirements.

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Original signed by
Guy H. Cunningham, III

Guy H. Cunningham III
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Legal Director

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