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July 16, 1980

FILE NO.

DIRECT DIAL NO 804-788-8359

Harold R. Denton, Director
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Phillips Building
7920 Norfolk Avenue
Bethesda, Maryland 20014

Anticipated Transients Without Scram

Dear Mr. Denton:

After more than a decade of debate, ATWS issues appear headed for resolution. It seems clear that the safety and economic consequences of that resolution will fall most directly on electric utilities and their customers. Once ATWS modifications are in place, it is the utilities' power plants that will become more safe or less safe as a result, as well as more or less expensive depending on the nature of the modifications adopted; and it is the utilities' customers who must run any ensuing safety risks and pay the inevitable bills.

With these realities in mind, a Utility Group on ATWS has recently begun to form. Although started less than a month ago, the Group now includes fourteen companies. Among them, they have B&W, CE, GE and Westinghouse reactors. The utilities have hired KMC, Inc. and Hunton & Williams to assist in making clear the Group's concerns and conclusions.

There are many possible ATWS resolutions. From among them, the utilities strongly hope to ensure that the Commission will

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adopt an ATWS rule that meets three related tests:

First, that the rule when implemented will actually decrease, not increase, the overall risk to public safety, once the full implications of particular modifications are taken into account.

Second, that the rule will not divert to ATWS any money, time, expertise or other resources that would better be directed toward lessening other risks that are greater than ATWS.

Third, that the rule will result in more overall gain to society than loss, when all pertinent benefits and costs are identified and weighed.

The utilities do not believe that everything necessary to define ATWS requirements responsive to these tests has yet been done and said.

At the appropriate time, the utilities will request the Commission to resolve ATWS by more than a minimal notice-and-comment rulemaking. We think that procedures of the sort used in the ECOS and Appendix I Rulemakings are needed to ensure that sufficient facts are developed in the first place, then publicly produced for all interested parties to examine and question, tested by an expert hearing board, and shaped into a comprehensive record that precisely defines the final rule.

We respectfully ask that you urge the Commission to consider the wisdom of resolving ATWS by something more than a minimal notice-and-comment rulemaking. More extensive procedures are attractive for a variety of reasons, namely:

--to give all elements of the interested public a realistic opportunity to understand, analyze and respond to a Staff proposal that has been years in the making;

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--to obtain a fresh and independent appraisal of the Staff's conclusions by technically expert board members;

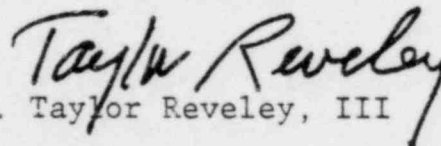
--to obtain, by the same token, a fresh and independent appraisal of the views of the interested public, the utility industry included;

--to be assured that the technical complexities of alternative ATWS resolutions will be thoroughly explored before an ATWS rule is finally shaped; and

--to develop a sufficiently complete record for the ATWS rule so that it is clear and complete from the outset, rather than in need of frequent clarification and amplification as attempts are made to interpret it in practice.

The Utility Group on ATWS does believe that these reasons militate powerfully for the use of an adjudicatory rulemaking, or something very similar, to bring ATWS to a sound and lasting resolution. Thus, in our judgment, such a rulemaking will benefit not only the affected utilities but also the Commission, NRC Staff and larger public. We hope that you, too, will reach the same conclusion and share it with the Commission.

Very truly yours,


W. Taylor Reveley, III

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cc: Leonard Bickwit, Esquire
General Counsel
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