



Gilbert/Commonwealth engineers and consultants

DOCKET NO. *R-50*
PROPOSED RULE *46FR 18045*

GILBERT ASSOCIATES, INC., P. O. Box 1498, Reading, PA 19603/Tel. 215-775-2600/Cable Gilasoc/Telex 838-431

April 1, 1981



Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Dear Sirs:

Gilbert/Commonwealth is pleased to provide the attached comments on the proposed changes to 10 CFR 50.34 listed in the Federal Register of March 23, 1981 (FR 18045-18049) entitled, "Licensing Requirements for Pending Construction Permit and Manufacturing License Applications".

Thank you for giving us this opportunity to comment.

Yours very truly,

S. D. Goodman
Manager, Support Engineering

SDG:ldf

cc: Vice President Bush, Chairman
Presidential Task Force on Regulatory Relief (w/attachment)

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GILBERT/Commonwealth COMMENTS ON THE
PROPOSED NEW 10 CFR 50.34(e)

1. The addition to 10 CFR 50.34 proposed as a solution for the application of the lessons learned at Three Mile Island is unacceptable. The existing licensing structure already permits resolutions of these concerns without the binding force of a regulation. Specific implementing requirements in the form of Regulatory Guides, Standard Review Plans, and/or various Nureg documents are promulgated elsewhere. Such guidance is important and is factored into the design, construction, and operation of a nuclear facility. These permit alternate methods or solutions.
2. Based upon the numerous criteria contained in this proposal, and the potential monumental impact of those requirements, the 20 day comment period is too short and restrictive for public rulemaking in spite of the NRC's rationalization of this time interval.
3. We believe that the specificity and great detail of the text proposed has no place in the Code of Federal Regulations, especially in light of its limited applicability. All of these criteria could be consolidated into an action document such as a Regulatory Guide, possibly supplemented by Standard Review Plans. The current proposal, however, applies to but seven pending applications, yet proposes to more than double the volume of 10 CFR 50.34.
4. Furthermore, a number of the individual requirements are so design specific as to preclude the possibility of alternate designs or solutions in the future. We thus see these new proposed regulations as in conflict with both President Reagan's directive for both simplified regulatory requirements, as well as his stated beliefs that new nuclear plants should not be unduly regulated into oblivion.
5. The existing 10 CFR 50.34 makes no distinction as to criteria by plant type. The FR proposed criteria delineates plant type (BWR, PWR), NSSS vendor (B&W only, etc.), equipment vendors (Control Components, Inc.) (Pg. 18048, xxv) in addition to design requirements. As the design develops, it can be expected that vendor listings, etc. will proliferate to such an extent that 10 CFR 50.34 will become unwieldy.
6. This proposed rule for technical content of applications is not a proper vehicle for resolution of the H₂ generation issue (i.e. - 100% fuel clad metal water reaction). The rule as proposed is inconsistent with 10 CFR 50 Appendix K (I.A.5).
7. Paragraphs C.3.i, ii, iii on page 18048 and 3.ii on page 18047 are a restatement of present requirements of 10 CFR and are not required again.

8. Providing a large dedicated but unused containment penetration such as required by paragraph C.3.iv is unjustified. Sufficient technical basis does not exist at present for this requirement to exist as a regulation.
9. On the other hand some statements of design criteria (p. 18047, xvii) are so general as to be nebulous.
10. We believe that the general goals and objectives of proposing the new 10 CFR 50.34(e) can be obtained through means other than the new regulations (as has been done on plants undergoing OL review) on a case-by-case or even a generic basis, and that imposing these requirements by use of a new 10 CFR 50.34(e) is unwarranted and without justification.
11. Finally, we believe that the inclusion of the proposed addition to 10 CFR 50.34 will result "in a rule that would be excessively detailed and restrictive", your comment in the March 23, 1981 Federal Register to the contrary notwithstanding. Although an intent is stated to restrict these requirements to Pending Construction Permit and Manufacturing License Applications only, experience has shown that OL and NTOL licensees will be required to incorporate most, if not all, new criteria regardless of feasibility.