



WORK NUMBER
PROPOSED RULE PR 50
45FR 81602

(4)

GENERAL ATOMIC

GENERAL ATOMIC COMPANY
P.O. BOX 81608
SAN DIEGO, CALIFORNIA 92138
(714) 455-3000

PLL:001:CRF:81
January 27, 1981



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

Attention: Docketing and Service Branch

Reference: Advance Notice of Proposed Rulemaking, 45FR81602

Dear Sir:

The proposed rulemaking under 10CFR50 forecast in 45FR81602 concerns only a minor shortcoming in the present regulations, and the identified problems do not appear to be so severe that drastic amendments are needed. The experience of many years supports that evaluation and the "background" exegesis provided by NRC identifies no particular occurrences, to which one could address attention, indicating that the present regulations are seriously deficient.

Three "major" problems were advanced to demonstrate a need for the proposed rulemaking, but they make no strong impression. It is of course correct that there is presently no clear basis upon which NRR can assess definitely whether changes in facility design and the like occurring in the course of exercising a construction permit require formal CP amendment. However, that there is no such clear basis does not demonstrate need for one or for NRR assessments. Similarly, it should not simply be assumed, as does the "Background" statement, that there is need for additional IE enforcement of "requirements" in construction permits.

The published notice identified no occasions when the present lack of "ground rules" prompted litigation whose purpose was something other than enhancement of public health and safety, and it isn't possible to comment about such unparticularized conduct.

The need for the contemplated regulatory amendments is believed by GAC to be slight, and some published alternative approaches toward satisfying that need would unquestionably be onerous. GAC believes they are disproportionate to any benefits to be derived and that at least two of the alternatives definitely should not be entertained further.

Alternatives 4 and 5 would penalize plants of designs which are new or significantly different from those of the current generation of LWRs. Alternative 5, requiring an essentially final design and safety analysis



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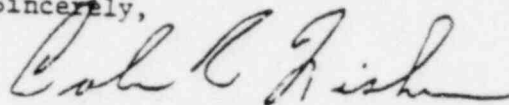
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might very well reduce future improvements in the power reactor art to mere tinkering with older technology by forestalling the markedly new. At the least, alternative 5 would add a substantial additional increment of time and cost attendant upon the effort required before a PSAR could be submitted. Alternative 4 is of different character than No. 5 but is nearly as unpalatable because it would add uncertainty to the licensing process. The objections raised to the earlier efforts to resolve the dilemma posed in the notice appear to be still valid, considered in terms of nonstandard or non-replicate designs.

We agree that "principal architectural and engineering criteria", or something of the kind, should be binding at the PSAR stage, but maintain that 10CFR50.55(e) is sufficient or can be made so by amending and administering it to deal with safety-significant departures from the PSAR.

Sincerely,



C. R. Fisher, Director
Licensing Division

CRF:jr