

PSE&G

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Richard Fryling, Jr. Assistant General Solicitor

January 30, 1981

Samuel J. Chilk, Secretary
United States Nuclear Regulatory Commission
Washington, D.C. 20555



Re: Nuclear Regulatory Commission
10 CFR Part 50
[Domestic Licensing of Production
and Utilization Facilities; Design
and Other Changes in Nuclear Power
Plant Facilities After Issuance of
Construction Permit]
45 Fed. Reg., 81602, December 11, 1980

DOC-81-81178-1-50
PROPOSED RULE 1-11-80

45 FR 81602

Dear Sir:

In response to the above-referenced advance notice of proposed rulemaking, Public Service Electric and Gas Company respectfully submits the comments set forth below on the five alternatives for reviewing design changes.

1. Maintain status quo - although the NRC has concerns with this alternative, it does provide opportunity to incorporate new requirements, state-of-the-art developments and experience factors into plant design in a relatively efficient way. This type of capability is desirable as it leads to superior design.
2. Establish general criteria for changes requiring CP amendment - this would be an acceptable approach only if the criteria were sharply defined and exclusive enough to avoid binding the ongoing design by excessive amendment approval actions.
3. Limit the changes that could be made to principal, architectural, and engineering criteria - this is really not much different from No. 2 since they both suffer from a lack of definition.



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4. Adopt a rule whereby all details of the application may not be changed without prior Commission approval - although this appears to be the most severe alternative, it may not be much different than alternatives 2 and 3 depending upon the degree of definition of general criteria or principal, architectural, and engineering criteria. This alternative would bring all ongoing designs to a halt and would raise grave concerns about the ability of design to support the ongoing construction effort.
5. Require that sufficient plant design details and equipment performance are provided in the PSAR so safety analysis is a final one - this alternative which has somewhat cynical overtones would require that the plant design be relatively complete prior to application for a CP. This approach could add up to four years to the current licensing, design, and construction process which is already too long.

Although the status quo is considered undesirable by the NRC and certainly has something to be desired from a plant designer view, it still offers more opportunity for general design betterment and incorporation than alternatives 4 & 5. Alternatives 2 and 3 could hold promise if reasonable criteria and definition are developed.

Alternatives 4 and 5, as proposed, are oppressive to the extent that construction of a nuclear power plant is discouraged. Alternative 5 would be subject to such interpretation, dependent upon the mood of the reviewers, that it is impractical.

The cause for design changes should be a vital element in determining the extent and scheduling of an NRC review process. Such as:

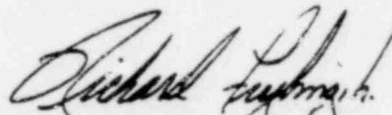
- a. Design changes to incorporate new regulatory requirements - NRC should develop standard guidelines for review by utility - exceptions to be reviewed by NRC.

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- b. Design changes that became apparent as a result of immediate construction activities - only severe cases subject to review.
- c. Design changes that appreciatively affect the design bases for the PSAR - utility to schedule periodic reviews with NRC to resolve.
- d. Design changes which arise due to major changes to basic safety assumptions - utility to schedule ad-hoc meeting to discuss resolution.

Public Service Electric and Gas Company appreciates this opportunity to submit the foregoing comments on the proposal.

Very truly yours,



Richard Fryling, Jr.
Assistant General Solicitor