



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AGENCY NUMBER
PROPOSED RULE PR 50

FEB 5 1981

45 FR 81602

OFFICE OF
THE ADMINISTRATOR

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

ATTN: Docketing and Services Branch

Dear Mr. Chilk:



Under Section 309 of the Clean Air Act, as amended, the Environmental Protection Agency has reviewed the advanced notice of proposed rulemaking for 10 CFR Part 50, entitled Domestic Licensing of Production and Utilization Facilities, Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permit (45 FR 81602 et seq.).

Our first concern is that the notice does not explicitly explain what is being considered. Phrases like "general criteria" and "sufficient plant design" lend themselves to differing interpretation by different parties. We hope that when a proposed rule is published, it will be more specific as to what is being proposed.

We are also concerned that several of the options the Commission is considering would tend to freeze the design of the facility very early in the construction permit process. Should the Commission adopt one of these options, the administrative and legal burden of seeking permit changes would tend to inhibit licensees from installing improved environmental or safety systems in the plants they are building. EPA opposes the adoption of any procedures which might inhibit licensees from using the best available environmental or safety systems.

Should you have any questions about these comments, please call Sandy Williams of this office at 755-0790.

Sincerely yours,

William N. Hedeman, Jr.

William N. Hedeman, Jr.
Director
Office of Federal Activities

Acknowledged by card... *2/10/81*...



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