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12-9-81.

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BUCKET NUMBER PR-50
PROPOSED RULE (45 FR 65466)

USNRC
Washington, D.C. 20555

Dear Sirs;

I am writing in reference to the Federal Register Notice V46 # 231,12-2-81, Interim Requirements Related to Hydrogen Control, Final Rule.

This Federal Register Notice and the Rule are written in such a way that it invites and suggests procrastination and slowness in applying this rule. The rule and Notice also demonstrate a very strong financial incentive to either not comply or be very slow in complying.

First the very title suggests that there is reason not to comply with this rule: This is an "INTERIM" rule. Obviously, there will be or at least can be changes presently scheduled for this rule. This is confirmed in the FR Notice. This is only a part of the Degraded Core Rulemaking. Eventually when the degraded core rulemaking is finalized, the hydrogen rule must be surveyed and possibly changed. Every licensee will probably try to wait for the final rulemaking to minimize the inconvenience and expense of one instead of two changes.

Already there is great financial incentive to slow or find some way out of compliance with this rule.

The rule requires modification after the first "scheduled" outage in July 82. The way around this rule is obvious. Refuel the reactor before July 82 and then have no "scheduled" outages until after the Degraded Core Rulemaking. Since many utilities are overbuilt in that they have excess capacity, these utilities could run their other plants until the Degraded Core Rulemaking is over. They could run their nuclear plants as peaking power and conserve the pre-July 82 fuel load until the end of the degraded core rulemaking. **ALL THESE OUTAGES WOULD BE "UNSCHEDULED" & NOT SUBJECT TO THIS RULE.**

Considering that this hydrogen control interim rule invites non-compliance and even puts a financial incentive into non-compliance, some stronger deadline for compliance is needed.

I wish this letter to be accepted as a petition to amend the interim hydrogen Control Rule 10CFR 50.44 (c)(3)(i) to amend with a definite date of compliance not tied in any way to scheduled outages.

Respectfully submitted,

Marvin I. Lewis

Add: M. Fleishman



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Acknowledged by card 12/15/81 *emp*