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Mr. John C. Hoyle, Secretary
U. S. Nuclear Regulatory Commission
ATTN: Docketing and Service Branch
Washington, D. C. 20555

August 4, 1995

DOCKETED
USNRC

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

DOCKET NUMBER
PROPOSED RULE **PR 52**

(60FR17902) (6)

Comments on

Proposed Design Certification Rules for Standardized Advanced Reactors
(60 Federal Register 17902 and 17924 dated April 7, 1995)

Dear Mr. Hoyle:

Georgia Power Company (Georgia Power) has reviewed the Notices of Proposed Rulemaking (NOPRs) for the General Electric ABWR and ABB-CE System 80+ Advanced Reactor Design Certification Rules published in the Federal Register on April 7, 1995, and submits this letter in accordance with request for comments. Georgia Power is in total agreement with and adopts the comments submitted to the Commission on behalf of the nuclear industry by the Nuclear Energy Institute (NEI). NEI's comments accurately convey Georgia Power's support for the policies expressed in Part 52 and the Energy Policy Act, the progress the NOPRs represent toward achieving those goals, and the serious concerns of Georgia Power that those policies and goals would be frustrated by key provisions of the NOPRs. As a stakeholder in the Advanced Reactor Corporation programs, Georgia Power shares a vested interest in the ultimate success and realization of the advanced reactors these NOPRs represent.

In enacting the licensing reform provisions of the Energy Policy Act of 1992, Congress adopted the policies expressed by the Commission when it promulgated Part 52. The beneficial attributes of these licensing reforms included: (1) the resolution of almost all safety issues prior to the commencement of construction; (2) the establishment of objective safety standards against which the constructed plant could be measured in order to determine when the plant is ready to operate; and (3) the minimization of uncertainties in the licensing process that inhibit support for nuclear energy in the financial community. The NOPRs departure from these fundamental elements with respect to the issues identified by NEI, namely, finality of issue resolution, the imposition of so-called "applicable regulations," undue restrictions on §50.59-like changes, and the absence of a process to ensure the objectivity of the verification of ITAAC, not only fails to achieve the goals of the Energy Policy Act and Part 52, it greatly diminishes the likelihood that a final design certification rule would ever be referenced by a potential licensee.

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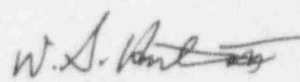
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In its comments on the NOPRs NEI has suggested changes and additions to the rule which would bring it into conformance with the principles underlying both the Energy Policy Act and Part 52. These changes include the expansion of the scope of issues accorded finality, the elimination of so-called "applicable regulations," practical application of §50.59-like changes, and the addition of language that would clarify the ITAAC verification process. These changes will substantially enhance certainty in the licensing process and are essential to the restoration of economic viability to the nuclear option.

As reflected in the NEI comments, the ABWR and System 80+ designs constitute achievements by all of the various groups that have labored over the past decade to enhance the level of safety and reliability of the next generation of nuclear plants. The benefits of these improved designs will be realized, however, only if the licensing process for these designs, beginning with the design certification rules, eliminates the uncertainty and concomitant financial risk inherent in the "two-step" licensing process. The design certification rules for these reactors will be a determining factor in the attractiveness of these designs to potential licensees and the financial community, and establish precedent for future standard design certification rules. In so doing the rules will significantly influence the viability of nuclear power as an energy option in the next century. Georgia Power urges the Commission to incorporate the changes suggested by NEI in the final rule so that the benefits of these advanced, safe, and efficient designs may be realized.

Should you have any questions, please advise.

Respectfully submitted,


W. G. Hairston, III

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