

JUNE 1985  
PROPOSED RULE PR-50  
(50 FR 16506) 13

**Nuclear**

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May 31, 1985

85 JUN -7 P2:37

Mr. Samuel J. Chilk  
Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Dear Mr. Chilk:

Subject: Request for Comments on Specific  
Exemptions Proposed Rule

The staff of GPU Nuclear Corporation (GPUN) herewith submits comments on the subject proposed rule. Comments were requested in an April 26, 1985 Federal Register notice (50 FR 16506).

As a general comment, we support the Commission's effort to add specificity to the rule for granting exemptions. We recognize the difficulty in being specific about the basis for granting exemptions because the very concept of exemptions is intended to apply primarily to unique circumstances. However, it is not clear that the proposed revisions add clarity to the basis for exemption since the fundamental requirements to conform to 10 CFR 50.12(a) still remains. The revision simply adds conditions which also must be met.

Our specific comments are contained in the enclosure.

Sincerely,

*J. R. Thorpe*

J. R. Thorpe  
Director  
Licensing & Regulatory Affairs

RPJ:dls:1907f  
Enclosure

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## Enclosure

### 1. Comments on Proposed Changes to 10 CFR 50.12

- a. The discussion about the proposed rule change speaks of the need to consider equities of the situation including the stage of the facilities life, any financial or economic hardships, any unusual difficulties in complying with the regulation and the applicant's good faith effort to comply with the regulation. None of the above issues appear explicitly in the proposed rule change as specifying a basis for granting an exemption. Therefore, without including these in proposed subchapter 50.12(a)(2) the rule does not meet the desired goal of adding specific basis for granting exemptions.
- b. The discussion about the proposed rule change indicates that the change, when effective, would eliminate the existing practice of granting temporary non-compliance without expressly granting an exemption. It is not clear how the proposed rule change will accomplish this.
- c. We in general oppose the proposed rule change for the above stated reasons and request that a revised rule be proposed that acknowledges the accepted areas of public interest as a basis for granting exemptions, or simply issue a policy statement that provides guidance on interpretation of "public interest" without revising the existing rule.

### 2. Comments on Commissioner Asselstine's Proposed Rule

- a. The wording of this proposal is much more negative and presents an extremely pessimistic view of the potential for specific exemptions.
- b. The concept of the "public interest" is lost completely from this proposed language.
- c. As stated in comments above, the proposed language does not provide guidance to the applicant by stating any more clearly than the existing rule the circumstances where exemptions are warranted.