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VIRGINIA POWER

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10 CFR CHAPTER 1; HIGH-LEVEL GUIDELINES FOR PERFORMANCE-BASED ACTIVITIES

Virginia Power appreciates the opportunity to comment on the NRC's proposed high-level guidelines that would be used to assess NRC regulatory activities for performance-based approaches. Notice of the proposed guidelines was published in the Federal Register, Vol. 65, No. 15, on Monday, January 24, 2000, pages 3615-3617 and re-issued in Vol. 65, No. 33, on Thursday, February 17, 2000, pages 8072-8074.

Our comments are as follows:

1. Performance-based regulation currently exists in the Code of Federal Regulations in 10 CFR 50, Appendix J, in that containment leak rate testing can be performed on a prescriptive basis (Option A) or a performance basis (Option B). Consequently, a performance-based pilot has already been performed in this regulation and the process appropriately demonstrated with favorable results. Therefore, is a new "process" warranted when it has already been adequately demonstrated that rules can be made performance-based under the existing rule-making process?
2. The effort to develop a process to determine which regulations can be made performance-based and how that will be accomplished should be coordinated with the other ongoing efforts to risk-inform 10 CFR Part 50. It would appear to be more efficient to screen regulations for treatment as prescriptive-based, risk-informed, performance-based or some combination thereof at one time as opposed to subjecting each regulation to various screenings at

different times under different processes that may confuse, conflict or undo work previously done. Regulations that will be considered for performance-based treatment should not be restricted to only new or changing rules as existing regulations could also potentially benefit from such treatment. The screening process discussed above would accomplish this.

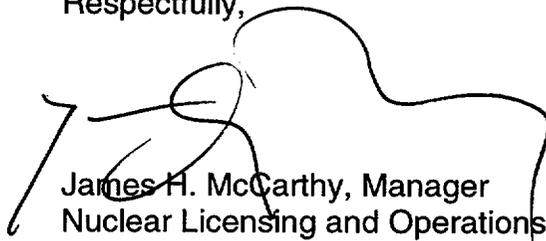
3. The implementation of performance-based rules should still be subject to the backfit rule as opposed to some process that operates outside such requirements.
4. Implementation of performance-based rules by licensees should be voluntary.

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Respectfully,



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