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**PROPOSED RULE: PR-1,2,50,51,52,54,60,70,73,76&110**  
**(66 FR 19610)**

**DOCKETED**  
**USNRC**

September 26, 2001 (3:26PM)

September 17, 2001

**OFFICE OF SECRETARY**  
**RULEMAKINGS AND**  
**ADJUDICATIONS STAFF**

Ms. Annette L. Vietti-Cook  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

GL01-010

Attn: Rulemakings and Adjudications Staff

**COMMENTS ON A PROPOSED RULE AMENDING**  
**THE NRC'S RULES OF PRACTICE**

Dear Ms. Vietti-Cook:

Virginia Electric and Power Company and Dominion Nuclear Connecticut, Inc. (Dominion) appreciate the opportunity to provide comments on the NRC's proposed rulemaking to amend its rules of practice to make its hearing process more effective and efficient, as published in the Federal Register, volume 66, number 95, on May 16, 2001 on page 27045, and in volume 66, number 73, on April 16, 2001 on page 19610.

Dominion applauds the willingness of the Commission to review the agency's adjudicatory process and consider revisions to make that process more efficient and effective. As the Commission observes in its proposal, some of the processes in place for formal adjudicatory proceedings were instituted decades ago. The maturity of the technology and the experience in conducting hearings gained by the NRC in that time now allow for the establishment of simpler and streamlined processes that also ensure the same, or greater, and more meaningful involvement by the public.

Dominion views the current proposal as a logical next step to improvements made by the Commission in its public participation processes during the last few years. In particular, the policy statement issued in 1998 with guidance for the conduct of license renewal proceedings has proven to be a major success. We encourage the Commission to fully exercise the latitude it has under the law and to continue its efforts to find ways to streamline and increase the effectiveness of its adjudicatory proceedings. For example, we believe it is reasonable for additional flexibility to be built into the hearing process in order to accommodate

the new types of applicants and regulatory issues not envisioned when the NRC's Rules of Practice were first promulgated.

Dominion has participated in the preparation of comments submitted on behalf of the nuclear industry by the Nuclear Energy Institute. We fully support and endorse NEI's comments and recommendations. In addition to NEI's comments, we offer the following observations:

One area that we will highlight is the apparently open-ended nature of the proposed discovery provisions, as contained in proposed Sections 2.335 and 2.704. We recommend that the scope of discovery be more clearly defined in order to avoid confusion and disagreements among the parties.

We also recommend that the criteria proposed for triggering a Subpart C hearing be reconsidered and based on more objective information than the standard of the "number of very complex issues" which is currently proposed.

Finally, we note that the proposed rule continues to re-iterate the requirement for a formal hearing in connection with the construction and operation of the high level waste repository. We urge the Commission not to pre-judge the nature of the issues that will be raised in years to come when the repository hearings occur, and instead, the Commission should maintain total flexibility to decide, based on the nature of the contentions at the time when they are raised, what kind of proceeding might best serve the interests of all stakeholders. We would observe that this approach would not preclude the Commission from using formal "on the record" hearing procedures in appropriate circumstances at any time.

In closing, we repeat Dominion's support for the NRC's rulemaking initiative to improve its hearing process. We encourage the Commission to proceed expeditiously with its efforts to update and improve its hearing requirements.

Very truly yours,

A handwritten signature in black ink, appearing to be 'S. P. Sarver', written in a cursive style.

S. P. Sarver, Director  
Nuclear Licensing and Operations Support