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Westinghouse
Electric Company

OFFICE OF SECRETARY
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ADJUDICATIONS STAFF

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DOCKET NUMBER

PETITION RULE PRM 52-2
(66FR 48828)

November 8, 2001

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

Attention: Rulemakings and Adjudications Staff

Subject: Comments on Petitions for Rulemaking, Docket Numbers PRM-52-1 and PRM-52-2

- References:
1. *Federal Register* Notice 66 FR 48832, September 24, 2001, Notice of Receipt of Petition for Rulemaking, Docket Number PRM-52-1
 2. *Federal Register* Notice 66 FR 48828, September 24, 2001, Notice of Receipt of Petition for Rulemaking, Docket Number PRM-52-2
 3. *Federal Register* Notice 66 FR 49324, September 27, 2001, Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants

Dear Ms. Vietti-Cook,

Westinghouse Electric Company is responding to the *Federal Register* notices (References 1 & 2) that request comments on two rulemaking petitions filed by the Nuclear Energy Institute (NEI).

The first petition (Docket No. PRM-52-1) seeks to add provisions to Part 52 that will avoid duplicative NRC reviews of valid, existing site/facility information that was previously approved by the NRC and subject to public hearing. The petition asks that the proposed Part 52 changes be merged into the Part 52-update rulemaking now underway.

The second petition (Docket No. PRM-52-2) would eliminate Part 52 requirements to consider alternate sites in ESP applications and NRC reviews thereof. This petition would also seek to clarify Part 51 to reflect more broadly that NRC review of alternatives under NEPA need not and should not consider need for power, alternate sources or alternate sites, as these matters are best determined by state and local governments, the applicant and the marketplace. The petition asks that the proposed Part 52 changes be merged into the Part 52-update rulemaking now underway. The petition also asks that the Commission initiate a rulemaking to amend Part 51 and related provisions in Parts 2 and 50.

For the reasons enumerated in the petitions, Westinghouse supports both petitions for rulemaking, including, to the extent practically achievable, NEI's request that these petitions be incorporated into the forthcoming Part 52 rulemaking activity that is the subject of Reference 3.

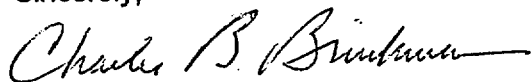
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SECY-02

Because of the strong potential for imminent design certification and early site permit applications, we also urge the Commission to not further delay the overall Part 52 rulemaking.

If you have any questions or wish further discussion on this topic, please contact me at 301-881-7040.

Sincerely,



Charles B. Brinkman
Director
Washington Operations

cc: J. Lyons, NRC
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