



DOCKET NUMBER
PETITION FILE PRM 52-1

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(66FR 48832)

DOCKETED
USNRC

November 9, 2001 (1:58PM)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

November 8, 2001

Secretary
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff

Subject: Comments on NEI Petitions for Rulemaking Concerning Regulations
Governing Early Site Permits and Combined License Applications

Reference: (1) *Federal Register* Vol. 66, No. 185, Pages 48828-48832, dated
September 24, 2001, Docket No. PRM-52-2
(2) *Federal Register* Vol. 66, No. 185, Pages 48832-48836, dated September
24, 2001, Docket No. PRM-52-2-1
(3) *Federal Register* Vol. 66, No. 188, Page 49324, dated September 27,
2001 (Draft Rule Wording – Early Site Permits)

CNRO-2001-00050

Dear Madam Secretary:

Entergy Nuclear Inc. (Entergy) is pleased to submit our comments on the above captioned petitions for rulemaking [References (1) and (2)].

Entergy endorses NEI's petitions for rulemaking and the comments submitted by Nuclear Energy Institute (NEI) on behalf of the nuclear energy industry in response to the NRC's request for comments on NEI's petitions regarding (1) elimination of the requirement that an early site permit applicant evaluate, and that the NRC review alternate sites and alternative energy sources, and (2) addition of 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 the opportunity for public hearing. Additionally, Entergy has the following comments:

Entergy requests the NRC ensure that consideration of these petitions be integrated with the upcoming notice of proposed rulemaking on Part 52 associated with Reference (3) above. The NRC should also consider that several utilities are evaluating the preparation of Early Site Permit (ESP) applications in 2002 with potential filings in 2002/2003. Both petitions affect the preparation resources and potential NRC acceptability of the ESP applications.

Template = SECY-067

SECY-02

Entergy is a global energy company that operates nine nuclear units on seven plant sites. Entergy is currently evaluating its sites and considering development of ESP applications. Regarding NEI Petition Docket No. PRM-52-1 [Reference (2)], valid, existing information concerning the site characterization and/or operational programs should be allowed to be incorporated by reference into new ESP or Combined License (COL) applications and not be subject to duplicative NRC review. The NEI petition is consistent with this view. The proposed regulations would promote standardization of programs and procedures and a consistent licensing basis for all units at a site. Importantly, under the NEI proposal, the ESP or COL would be required to meet all current NRC regulations and account for new information about the site and environs that could materially affect the NRC's previous conclusions.

Regarding NEI Petition Docket No. PRM-52-2 [Reference (1)], in a competitive market, the decision as to whether or not to build any power plant (including its type, location and power level) will be fundamentally a market decision. The creation of information concerning alternatives and alternative sites, and the subsequent review by the NRC, is not relevant to the selection of any particular site and merely adds to the cost of a plant with no accompanying benefit to the public. Certainly the environmental acceptability of a site is important, and alternatives may be important from a national energy policy context; however the current NRC regulations governing alternatives and alternative site reviews do not support either. The NEI petition constitutes an appropriate change in NRC practice with respect to its environmental reviews under NEPA. As discussed in NEI's Nov. 8 response to this petition, the NRC can and should (1) eliminate from Part 52 (Subpart A) the superfluous requirement for review of alternate sites as part of its upcoming Part 52 rulemaking, and (2) initiate a rulemaking to address the broader policy issues raised by the petition and make the appropriate changes to 10 CFR Parts 2, 50, and 51.

Thank you for the opportunity to provide these comments. If you have any questions concerning this submittal, please contact George Zinke (601-368-5381) or me (601-368-5327).

Sincerely,



W. Kenneth Hughey
Sr. Manager, Business Development

WKH/GAZ/

cc: Mr. R. J. Bell (NEI)
Mr. C. R. Hutchinson (ECH)
Mr. J. J. Kelly (WPO)
Mr. D. R. Keuter (ECH)
Mr. M. A. Krupa (ECH)
Corporate File [2]