



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

DOCKET NUMBER
PETITION RULE PRM 52-2
(66 FR 48828)

DOCKETED
USNRC

9

2002 JAN 14 AM 10: 25

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

October 31, 2001

Secretary
U.S. Nuclear Regulatory Commission
ATTN: Rulemakings and Adjudications Staff
Washington, D.C. 20555-0001

Gentlemen:

NUCLEAR REGULATORY COMMISSION (NRC) - INDUSTRY COMMENTS ON NUCLEAR ENERGY INSTITUTE (NEI) PETITION FOR RULEMAKING, 10 CFR PARTS 2, 50, 51, AND 52 (DOCKET NO. PRM-52-2, VOLUME 66 *FEDERAL REGISTER* 48828)

TVA has reviewed and supports the proposed rule changes described in a petition for rulemaking filed by NEI regarding elimination of Part 52 requirements to consider alternate sites in applications for early site permits. It also proposes elimination of requirements in Parts 2, 50, 51, and 52 to consider alternate sites, the need for power, and alternate sources of power in applications and reviews associated with the siting, construction and operation of nuclear power plants. The petition has been assigned Docket No. PRM-52-2 and was published in the September 24, 2001 *Federal Register*. TVA submits the following comments regarding the proposed rulemaking:

- TVA agrees with Chairman Meserve's statement in his February 28, 2001 letter to Senator Dominici that the need for power and alternative source reviews are "distant from NRC's mission." The Chairman further stated that these matters "are fundamentally market decisions in deregulated markets and are the business of state public utility commissions in regulated markets. In neither case does the NRC possess the information and experience of the public utility commissions or the markets and, accordingly, this NRC review should be eliminated." By the same reasoning, NRC review of alternate sites should likewise be eliminated.

Template = SECY-067

Printed on recycled paper

SECY-02

U.S. Nuclear Regulatory Commission

Page 2

October 31, 2001

- The proposed changes will make the preparation and review of early site permit and combined license applications more efficient by relieving the need for applicants to submit, and for NRC to review, information on the need for power and alternative sites and power sources. They will also focus the attention of the applicant, NRC, and the public on the safety and environmental impact of the specific activity proposed by the applicant, not on matters determined by other processes or outside the NRC's mandate and expertise.

Accordingly, TVA concurs with NEI's recommendations for (1) elimination from Part 52 (Subpart A) of the superfluous requirement for review of alternate sites as an integral part of the upcoming Part 52 rulemaking, and (2) initiation of rulemaking to address the broader policy issues raised by the petition and to make the appropriate changes to 10 CFR Parts 2, 50, and 51.

We appreciate the opportunity to comment on this rulemaking petition. If you have questions regarding this response, please contact me at (423) 751-2508.

Sincerely,



Mark J. Burzynski
Manager
Nuclear Licensing

✓ (Via NRC Electronic Distribution)

cc: U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

Mr. Ron Simard
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, D.C. 20006-3708