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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

ATTN: Rulemakings and Adjudications Staff

COMMENTS ON PROPOSED PETITIONS FOR RULEMAKING DOCKET NOS. PRM-52-1 AND PRM-52-2

Dear Ms. Vietti-Cook:

Virginia Electric and Power Company (Dominion) appreciates the opportunity to provide comments on the Notice of Receipt of Petitions for Rulemaking, Docket Numbers PRM-52-1 and PRM-52-2, which appeared in the Federal Register, volume 66, number 185, pages 48828 - 48836, on September 24, 2001.

On July 18, 2001, the Nuclear Energy Institute, in two separate submittals, petitioned the U.S. Nuclear Regulatory Commission for rule changes aimed at improving the focus and efficiency of the early site permit (ESP) and combined license (COL) processes in Part 52 of NRC's regulations.

The first petition (Docket No. PRM-52-1) sought to add provisions to Part 52 that would avoid duplicative NRC reviews of site and facility information that was previously accepted by the NRC as part of a formal licensing action. The second petition (Docket No. PRM-52-2) proposed to eliminate existing Part 52 requirements to consider alternate sites as part of the NRC review process. The petition also sought to clarify Part 51—the NRC regulation implementing the National Environmental Policy Act (NEPA)—such that NRC review of alternatives under Part 51 would not consider need for power, alternate sources, or alternate sites.

Dominion supports both NEI petitions. We believe that enacting changes to the regulations as described in the petitions would further improve the Part 52 (and related Part 51) licensing process for new nuclear power generation facilities.

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With regard to the first petition involving information previously approved by the NRC, we believe that it is reasonable to expect that the first ESP and COL applications will involve existing nuclear sites. If such is the case, then information concerning site characterization and/or operational programs that has previously been reviewed and approved by the NRC in a licensing action for that site should be permitted to be incorporated by reference into a new ESP or COL application, and not be subject to duplicative NRC review. Naturally, it would be incumbent on the applicant to identify to the NRC any differences or new information from that previously reviewed and approved. A substantial savings in both NRC and industry resources could be achieved by following this approach with no adverse impact on NRC's mission of protecting public health and safety.

With regard to the second petition involving NEPA, we believe that the NRC implementation of NEPA as proposed is an appropriate role for the NRC in a restructured, competitive electricity marketplace and is permitted under the act. Consideration of alternatives is required by NEPA. However, that consideration does not necessarily require the consideration of alternate sites. NRC's focus should be on whether the site being proposed meets applicable safety and environmental requirements, not on whether there are alternative or obviously superior sites. Similarly, NRC consideration of alternative generating sources and the need for power is not central to NRC's mission. Such issues are matters best left to state regulatory authorities and the marketplace.

Finally, Dominion endorses the comments submitted November 8, 2001, by the Nuclear Energy Institute on the subject petitions. Because the NEI petitions would involve rulemaking affecting Part 52, we encourage the NRC to integrate the issues raised by the petitions into proposed rulemaking discussed in the NRC's September 27, 2001 Federal Register notice involving possible changes to Part 52. In our view, the proposed rulemaking is an appropriate venue to resolve the issues raised by the petitions.

If you would like further information, please contact either:

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Respectfully,

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