Exelon Nuclear

Exelon Generation
4300 Winfield Road
Warrenville, IL 60555

www.exeloncorp.com

November 7, 2001

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

Attention: Rulemakings and Adjudications Staff

Docket No.: PRM-52-1

Subject Comments Regarding Petition for Rulemaking; 66 Federal Register 48832, September 24, 2001

On July 18, 2001, the Nuclear Energy Institute (NEI) submitted a petition for rulemaking to amend the application and review process in 10 CFR 52, "Early Site Permits; Standard Design Certification; and Combined Licenses for Nuclear Power Plants." Under this proposed rulemaking, an applicant for a new reactor to be located at an existing reactor site would be allowed to incorporate by reference applicable information from the current licensing basis for the existing reactor site, and the NRC would treat that information as resolved, except to the extent necessary to account for material new information. The same allowance was proposed regarding programmatic information identified in the current licensing basis of an existing licensed facility located at the same site as a new facility, or owned or operated by the same licensee. By notice in Volume 66 of the Federal Resister, page 48832 (i.e., 66 FR 48832), dated September 24, 2001, the NRC requested comments on the petition for rulemaking, assigned Docket No. PRM-52-1. Exelon Generation Company (EGC), LLC appreciates the opportunity to provide the following comment regarding this petition.

EGC is currently engaged in pre-application activities with NRC regarding the Pebble Bed Modular Reactor (PBMR), assigned NRC Project No. 713, and is evaluating the feasibility of licensing the PBMR in the United States. EGC anticipates applying for an early site permit (ESP) and then a combined construction permit and operating license (i.e., COL) only if the PBMR design is judged to be licensable and the project is economically viable. We strongly support the NEI petition for rulemaking since it provides a means for reducing unnecessary regulatory costs without adversely affecting safety or the environment.

In particular, the requested rulemaking would serve three valuable objectives.

S|13

ML013230010

- It would improve the efficiency and predictability of the licensing process by eliminating the need for NRC re-review and additional hearings on information that was previously approved by NRC.

- It would preserve the public's right to hearing, since only information that had been previously subject to an opportunity for hearing would be treated as resolved.

- It would require consideration of significant new information related to the application, thereby ensuring that all safety and environmental information that is material to the ESP or COL will be taken into account in the licensing process.

The first applications for ESPs and COLs under 10 CFR 52 are expected to involve existing nuclear plant sites that can support additional units. EGC is currently giving consideration to locating new plants at existing reactor sites. Valid, existing information concerning the site characterization and /or operational programs should be allowed to be incorporated by reference into new ESP or COL applications and not be subject to duplicative NRC review.

We agree with NRC Chairman Meserve's statement in his February 28, 2001, letter to U.S. Senator Domenici that "the NRC's review of an application for a new plant at an already licensed site should consider only those matters that must be considered to provide reasonable assurance that the site is acceptable for the additional incremental impact of the new unit." The industry proposal is consistent with this view.

In a Staff Requirements Memorandum (SRM) dated February 13, 2001, the Commissioners placed emphasis on identifying regulatory process improvements for future plants. The ESP and COL application and review processes would be more focused and efficient with the proposed provisions, conserving both licensee and NRC resources. This is because review would focus on the incremental impact of the new unit and not on valid information for an existing site or facility. The proposed regulations would also promote standardization of programs and procedures and a consistent licensing basis for all units at a site resulting in additional operational and NRC inspection benefits.

Eliminating additional NRC review and potential hearings for previously approved information could easily result in savings of millions of dollars and significantly reduce the amount of time required for regulatory reviews before construction of a new reactor could commence. Reducing licensing costs and time-to-market for new nuclear plants is an important factor in business decisions to go forward with new nuclear projects. Furthermore, these savings in time and money could be achieved without any reduction in safety or environmental protection, and without any infringement on the public's right to a hearing. 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, environs, and operational programs that could materially affect the NRC's previous conclusions.

Finally, as cited in the petition for rulemaking, the industry proposal is consistent with the National Environmental Protection Act (NEPA) and numerous NRC precedents in 10 CFR 50, "Domestic Licensing of Production and Utilization Facilities," 10 CFR 52, and 10 CFR 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants." where efficiency is enhanced through avoidance of duplicative reviews.

In summary, proposed Sections 52.16 and 52.80 are important to licensees because they will make the preparation and review of ESP and COL applications more efficient by (1) reducing the number and scope of issues requiring consideration, and (2) focusing attention in the public hearing on matters that have not been previously addressed and decided in other proceedings. NEI's petition provides an excellent opportunity for the NRC to reduce unnecessary regulatory burden; therefore, EGC urges the NRC to undertake the rulemaking requested by NEI.

Respectfully,

R. M. Krich
Vice President – Licensing Projects

cc:
Thomas King, USNRC, Office of Nuclear Reactor Research
James Lyons, USNRC, Office of Nuclear Reactor Regulation
Ronald Simard, Nuclear Energy Institute