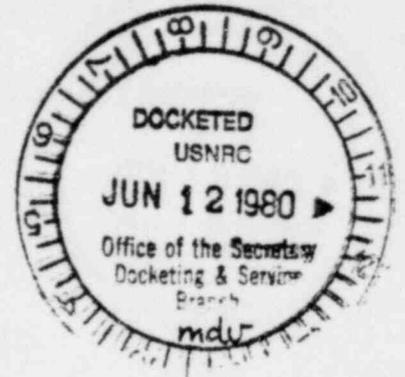




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DOCKET NUMBER
 PROPOSED RULE PR-51 (13)
 (45 FR 24168)

June 9, 1980

Secretary of the Commission
 United States Nuclear Regulatory Commission
 Washington, D.C. 20555

Attention: Docketing and Service Branch

Re: Proposed rule for Licensing and Regulatory Policy
 Procedures for Environmental Protection: Alternative
 Site Reviews.

The following comments are submitted on behalf of Commonwealth Edison Company ("Commonwealth") which has a major interest in these proceedings due to its substantial commitment to nuclear power including six nuclear units that are under construction and two nuclear units that are undergoing NRC review. Since these eight units need construction permits and/or operating licenses, Commonwealth has a substantial stake in the effectiveness of the resulting rules.

Commonwealth has participated in the preparation of the comments submitted on behalf of the electric utility industry by the Atomic Industrial Forum (AIF) and are in agreement with them. However, we would like to add some of our own comments and suggestions to those submitted by the AIF. Our comments are ordered in the sequence of issues raised in 45FR 24168, April 9, 1980.

(1) Summary section (page 24168)

Commonwealth "screens" sites that are used in the alternative site review so that they are all considered licensable on an environmental, safety and engineering basis. Use of existing regulations, regulatory guides and good engineering practice is made to assure that the reconnaissance level information gathered on each site supports the licensability of each site. Since there is not a common basis on which to compare the external risks at one site versus another, or to compare environmental concerns with safety related parameters; the attempt to determine ranking of sites on a combined basis would be futile and would lead to an undue complication and lengthening of the licensing procedure.

The off-site emergency planning for alternative sites is the responsibility of the state and local authorities. It would be premature to develop emergency plans for all of the alternative sites up to fifteen years before one of the sites would have an operating plant. It would

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behoove the applicant to scrutinize the environs of each site to be assured that there are no local conditions that would preclude developing an acceptable emergency plan if the site were developed.

Commonwealth strongly recommends that safety and emergency planning not be admitted as issues in the NEPA alternative site review covered by this rulemaking.

(2) Item 3, first column on page 24169

Commonwealth recommends that the existing staff policy of using Regulatory Guide 4.7 "General Site Suitability Criteria for Nuclear Power Stations" as a yardstick to determine the likelihood that each alternative site will be acceptable from a safety viewpoint should be continued. The statement that these criteria may be changed in accordance with an ongoing Commission review of siting policy emphasizes the value of this approach since it indicates that the criteria are subject to change. The use of Regulatory Guide 4.7 should be limited to reconnaissance level information.

(3) III.1.a. Notice of Intent page 24175

Commonwealth recommends that the 12 month docketing penalty be eliminated for the case where the applicant has performed detailed studies on the proposed site. It is unrealistic to insist that an applicant select a proposed new site without doing some detailed study of the site which may consist of core borings up to baseline monitoring, depending on applicants need for certitude on the licensability of the site. Furthermore, there is no recognition of or provision for the case where the preferred site is a site for which a CP or OL has previously been issued, where detailed studies will obviously have been performed prior to tendering a notice of intent covering the proposed use of the site for additional capacity.

(4) III.2. Reconnaissance Level Information page 24175

Commonwealth agrees with the staff position that the added costs of requiring detailed site-specific investigations and analysis on all candidate sites normally would not be justified by the resultant marginal improvement in environmental protection, and that major adverse environmental impacts can normally be identified using reconnaissance-level information. It must also be recognized that in many cases the applicant does not own and therefore does not have unlimited access to any or all of the alternative sites and therefore is not in a position to do detailed on-site studies. Commonwealth recommends that the adequacy of reconnaissance level information should be emphasized in the final rule.

The second paragraph starting with "In some cases,--" should be eliminated since this kind of detailed study can only be justified for the proposed site and this is precisely the kind of study which, if performed by the applicant, would result in a 12 month docketing penalty indicated in III.1.a.

(5) IV.2 Timing of NRC Review, page 24175

The final sentence refers to "the effective period of the early alternative site partial decision--". There is nothing in the proposed rule, however, that defines the "effective period".

(6) V. Region of Interest (page 24175)

Commonwealth recommends that there be added to this section guidelines as to the number of water bodies and sites on each water body, including diversity provisions, that if contained in the applicants region of interest would be judged adequate and therefore the region of interest would not be required to be expanded. This concept should also be applied to VI. Selection of Candidate Sites for the process-orientated approach so that the applicant can be assured that his selection procedure is adequate.

(7) VI. Selection of Candidate Sites (page 24176)

It is not clear how existing sites would be treated in a selection procedure utilizing these rules. Some of the factors that make existing sites different is that they have had detailed studies performed on them; they may have been selected using different criteria and therefore may be eliminated with current screening criteria but have other qualities that may more than compensate for site deficiencies; new units may increase generating capacity concentration beyond what the applicant judges to be prudent; etc. It's recommended that the rules be amended to give the applicant some flexibility in integrating existing sites into the alternative site review.

In item (8) reference is made to the need to expend substantial sums of money and "5% of total cost of project" is used as the criteria. For a \$4 billion plant this would amount to \$200 million which is, in our opinion, exhorbitant. This percentage figure should not be incorporated into the rules because it emphasizes picking poorer sites and then applying fixes to make them licensable.

An additional criteria should be added as a condition of an intervenor or the ASLB interjecting an additional site for comparison. This criteria should be that the one who puts forth the site must demonstrate that there is reasonable assurance that the site is licensable from a safety viewpoint and that the site conforms to parameters set forth in Regulatory Guide 4.7-"General Site Suitability Criteria for Nuclear Power Stations".

(8) VII. Comparison of Proposed Site with Alternative Sites pg.24177

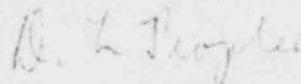
Commonwealth recommends that the two tier approach to test to see if a site is obviously superior to the applicants proposed site be adapted as put forth in the proposed rule.

(9) VIII. Reopening of the Alternative Site Decision, page 24177

This Section establishes the conditions under which the alternative site decision may be reopened and, perhaps, changed. even after the CP has been issued. Assuming that certain conditions established by this Section have been met, the review will consider forward costs that would result from a decision to require moving to a different site. Although such forward costs would include the cost of replacement power necessitated by the resultant delay in the service date of the new generating capacity, there is no requirement that a showing be made that such replacement power will be available. The likelihood of being able to obtain a firm source of replacement power for two 1100 MW units for a period of several years is very small, if not totally non-existent. How will the review process give consideration to power shortages, and the many harmful impacts that would accompany such shortages, that are likely to result from a decision, reached eight or more years after the start of the licensing process, to relocate to a different site?

Commonwealth Edison Company appreciates the Commission's efforts to improve the licensing process. We will participate fully in the Commission's efforts in future rulemakings in the siting area.

Respectfully Submitted



D.L. Peoples
Director of Nuclear Licensing