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MANAGER, ENVIRONMENTAL AFFAIRS

June 6, 1980

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555
Attention: Docketing and Service Branch

Re: Comments on 10 CFR Part 51
Alternative Site Reviews Proposed
Rulemaking, 45 FR 24168 (April, 1980)

Dear Sir:

Middle South Services, Inc., on behalf of the Middle South Utilities System, has reviewed the Nuclear Regulatory Commission's proposed regulations amending 10 CFR Part 51 (45 FR 24168; 9 April 1980). The Middle South Utilities System serves approximately 1,500,000 customers in portions of Arkansas, Louisiana, Mississippi and Missouri. The following companies are included in the System:

Arkansas Power & Light Company
Arkansas-Missouri Power Company
Louisiana Power & Light Company
Mississippi Power & Light Company
New Orleans Public Service, Inc.
System Fuels, Inc.
Middle South Energy, Inc.
Middle South Services, Inc.

We have reviewed and endorse the comments submitted by the Atomic Industrial Forum but would like to reiterate and expand on a few of the issues raised by the proposed rulemaking.

The proposed rule contains a number of beneficial features, including optional ESR for the alternative sites issue, the choice of product - or processes-oriented reviews of the candidate sites, a two-step "obviously superior" test and the confirmation or codification of NRC practices

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concerning the definition of Region of Interest and the adequacy of reconnaissance level information. However, the proposed rules could be improved if additional consideration were given to the concerns detailed in the following paragraphs.

Existing Sites - The application of the proposed rules to existing, inventoried or banked sites is not clear. The rules also do not address the status of sites which are part of an ongoing review. We are concerned about retroactive application and recommend that the proposed rule exempt ongoing reviews and that Section VI be adjusted to allow the inclusion of existing sites on the slate of candidate sites.

Safety and Environmental Concerns - Safety matters will be addressed in the forthcoming revisions to 10 CFR Part 100. This will bring the present guidelines into perspective since three sections of the proposed Appendix A (III.4.b.; VI.2.b.7; VIII.1) will be associated with the new 10 CFR 100 rules. NRC is aware that utilities routinely approach site selection as a combination of environmental, engineering and economic factors, and safety is an element of each. However, we strongly object to the explicit inclusion of safety matters in the comparison and ranking of alternative sites. NRC itself has indicated that lengthening of the siting lead time could occur from such action. At 45 FR 24175 (III 4. i.) NRC indicates its intention that public concerns may be heard in eight environmental areas (at a minimum); each of these areas contain elements of safety including the areas of facility costs and institutional constraints. Should NRC "codify" safety as a unique alternative site consideration, the potential for public escalation of its inquiry, as a matter of law, to include in depth safety review of each alternative site, could add a totally new and extremely costly investment in the siting process. The benefits would be marginal because:

1. Safety factors are routinely considered anyway.
2. Each alternative site is considered licensable from a safety standpoint.
3. To the extent that safety is a factor of public interest, as among the alternative sites, provision is made for such inquiry to the extent justified by such interest.

Penalty in Docketing - We agree with AIF in recommending that the 12-month penalty in docketing, when detailed studies have been performed and the Notice of Intent has not been filed within the specified time, be deleted. The applicant should not be penalized for electing to perform detailed studies as part of the site selection procedure.

Terminology - A beneficial aspect of the proposed rule is that it provide a more definitive guideline which can help the industry since a greater amount of certainty is introduced into the site selection process. However, this certainty is affected by the use of terms that could permit wide-ranging interpretation and inconsistent implementation. Examples of words or phrases which need better classification are:

- "threshold" and "threshold criteria" (VI.2.b)
- "significant adverse impacts" (VI.2.b.1)
- "likely adverse impacts" (VI.2.b.5)
- "unique to the resource area" (VI.2.b.6)

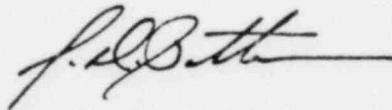
- "reasonably" within a region of interest (VIII.3)

A similar concern is expressed regarding the "obviously superior" test. Without specifics on how two sites might compare when each is "superior" in different categories, the test becomes open-ended and potentially more subjective.

Section III.4.i. - Regarding the inclusion of public concerns in the subject areas a-h, where they have been provided to NRC in writing, there is no apparent mechanism whereby the utility can obtain this information from NRC at the early candidate site selection stage. How does NRC propose that this be accomplished?

Additional comments and constructive criticisms are detailed in the AIF/NESP submittal. We respectfully urge you to seriously consider the issues in that document and incorporate them into the revised procedures. We appreciate the opportunity to submit our comments on this rulemaking.

Sincerely,



J. D. Patterson
Manager
Environmental Affairs

JDP:lmt