

NORTHEAST UTILITIES



THE CONNECTICUT LIGHT AND POWER COMPANY
THE HARTFORD ELECTRIC COMPANY
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NEW YORK WATER POWER COMPANY
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DOCKET NUMBER

PROPOSED RULE

PR-51 (19)

(45 FR 24168)

Docket Nos. 50-213

50-245

50-336

B10013



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

Reference: (1) Federal Register, Volume 45, No. 70, Pages 24168.- 24198.

Gentlemen:

Haddam Neck Plant

Millstone Nuclear Power Station, Unit Nos. 1 and 2

Comments on Proposed Rulemaking - Alternative Site Reviews

In Reference (1), the NRC Staff published a proposed amendment to 10CFR Part 51 to provide procedures and performance criteria for the review of alternative sites for nuclear power plants. The Staff has requested public comments on the proposed rule, and, as such, Northeast Utilities Service Company (NU) submits comments on behalf of Connecticut Yankee Atomic Power Company (CYAPCO) and Northeast Nuclear Energy Company (NNECO).

One of the stated objectives of the proposed rule is to provide for greater predictability in the licensing processes for nuclear power plants. This is consistent with the NU position; however, we believe that the implementation of specific provisions of the proposed rule would add uncertainty and subject the licensing process to increased delays. The added uncertainties and delays stem, in part, from the provisions of the proposed Section VIII of Appendix A to 10CFR51. This section provides for the reopening and reconsideration of the alternative site decision after issuance of the final Limited Work Authorization (LWA) upon providing significantly new information which affects the earlier site decision. Section VIII, as written, permits the consideration of costs associated with the delay and moving to another site only if the applicant submits the proposed and alternate sites for NRC evaluation at least 2-1/2 years prior to filing the Construction Permit (CP) application containing detailed plant design. This effectively adds 2-1/2 years to the licensing process unless the Applicant is willing to assume the full risk for funds expended prior to CP application.

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Section VI.2.a of the proposed Appendix A to 10CFR51 provides the requirements for the selection of candidate sites. The provision that at least four (4) candidate sites must be proposed, although not absolute, does not recognize the realistic limitations that utilities, with small and more urban service areas, could have in complying with this requirement.

The service area of these utilities may have fewer than four realistic alternatives to submit. This is particularly true if these are the alternative sites in the utility's final stage of site selection, which would most likely only be sites that it already owns.

The potential for the Applicant to assure that the candidate sites would be available to him would necessitate that the utility have options on the land at each site. This could prove to be extremely difficult and expensive. This, coupled with the requirement to publicly announce, prior to detailed studies, the consideration of a site for a nuclear power plant, could lead to land speculation if the site is not already under the control of the utility. This aspect of the proposed rule will only increase the uncertainty, delays, and costs of the site selection process.

The proposed rule recognizes that the population criteria of 10CFR100 is being modified. The implications of these changes on the future availability of sites to CYAPCO and NNECO are far reaching. The proposed population density changes to 10CFR100 suggested in NUREG-0625 together with the requirements of this proposed rule could potentially render the northeast unsuitable for siting a nuclear generating station.

Site availability should be included in the threshold criteria for determining when less than four (4) candidate sites need be considered. It should also be considered when intervenors or the ASLB propose alternative sites.

Section VI.2.b.8 states that a site requiring an expenditure of up to 5% of the total project capital costs to make the project licensable must be considered as a candidate site. The NRC has not, as yet, defined what the components of the total project costs are. Therefore, this criteria has no bases. A clearer description of the derivation of the NRC guidelines, further clarification of its definition, and how it would be applied are in order.

Section V.1 of the proposed rule defines the Region of Interest (ROI) as either the state in which the proposed site is located, or the service area of the Applicant. The ROI may be larger for utilities with either a small service area or several non-contiguous service areas, to achieve a region with sufficient environmental diversity. For utilities like Northeast Utilities, this would mean possibly considering sites owned by neighboring utilities. Should one of these sites be judged environmentally superior to the proposed site, it would be impractical for an applicant to consider developing that alternative without a regional program for site banking and ownership.

As a minimum, Section V.1 should read that; "The initial geographic area for determining the region of interest for NRC regulatory review purposes shall be either the State in which the proposed site is located or the utility service area". This removes any ambiguity in this section and will eliminate the need to justify why out-of-state portions of the service area or portions of the State in the service area were not considered.

Section VI.2.c.1 of the proposed rule permits the selection of sites as candidates which do not meet the threshold criteria in Section VI.2.b. as long as no other site for the same water source and physiographic unit would meet the criteria. We believe the threshold criteria is unnecessarily restrictive. As is the case in the northeast, the possibility of meeting the threshold criteria will be minimal. In this light, NU seriously questions the benefits of such a rule.

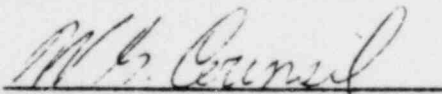
In summary, the practical implementation of the proposed rule appears to fall quite short of the stated objectives and NU expects it will impact adversely on the siting process.

Northeast Utilities would welcome any opportunity to discuss with the Staff the proposed threshold criteria.

CYAPCO and NNECO appreciate the opportunity to provide comments on the proposed rule changes, and trust these comments will be beneficial to the NRC Staff.

Very truly yours,

CONNECTICUT YANKEE ATOMIC POWER COMPANY
NORTHEAST NUCLEAR ENERGY COMPANY



W. G. Council
Senior Vice President