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June 5, 1980

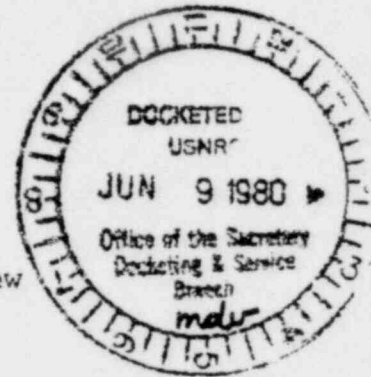
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CABLE ADDRESS: ATOMLAW

~~EXHIBIT NUMBER~~
PROPOSED RULE **PR-51(6)**
(45 FR 24168)

Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: 10 CFR Part 51, Proposed Rule
Relating to Alternative Site Review



Dear Mr. Chilk:

On April 9, 1980, the Nuclear Regulatory Commission published in the Federal Register (45 Fed. Reg. 24168) a proposed rule relating to procedures and performance criteria for the review of alternative sites for nuclear power plants under the National Environmental Policy Act of 1969. The Federal Register notice invited interested persons to submit comments or suggestions concerning the proposed rule by June 9, 1980. In response thereto, we are submitting the following comments on behalf of Gulf States Utilities Company and ourselves.

We are concerned that the proposed rule is not sufficiently clear regarding procedures and substantive requirements for alternative site decisions in pending cases. The rule should be modified to make it clear that in ongoing early site review and construction permit proceedings the regulation would operate only prospectively, absent extraordinary circumstances. In particular, the proposed rule does not address the circumstances of an early site review proceeding at an advanced stage, e.g. in which the Staff has substantially completed its review or the record of a public hearing has been closed, but which is still awaiting a decision from an Atomic Safety and Licensing Board. While the NRC states that the rule is intended to codify present practices, the rule should specifically address these situations.

The language of the final rule and Statement of Consideration should be made clear that the rule would not, except in exceptional circumstances, lead to a different result, require that

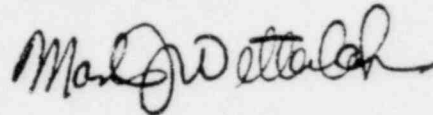
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additional information be submitted or new procedures be followed, result in an additional opportunity for a public hearing, or mandate additional consideration by an Atomic Safety and Licensing Board. The same approach was utilized by the Commission in the recent adoption of its Statement of Interim Policy on Nuclear Power Plant Accident Considerations under NEPA at the meeting of the Commission on May 15, 1980.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark J. Wetterhahn".

Mark J. Wetterhahn

MJW/mwm