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(57FR 47802)

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VIRGINIA POWER

March 22, 1993

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

Serial No.: 92-723
NL&P/RBP R1

Gentlemen:

COMMENTS ON PROPOSED RULE
CHANGES TO 10 CFR PARTS 50, 52 AND 100
REACTOR SITE CRITERIA

Virginia Power has reviewed the Federal Register notice dated October 20, 1992 concerning reactor site criteria. The proposed rule, which is to apply only to future power plants, would provide new regulations regarding power reactor siting criteria, including maximum population density, minimum exclusion area distance and geologic, seismic, and earthquake engineering considerations. The purpose of this letter is to endorse the Nuclear Management and Resources Council (NUMARC) comments sent separately to the NRC and to provide specific comments regarding the proposed rule.

First, we agree with NUMARC that the proposed rulemaking may adversely affect public perception regarding the acceptable safety of existing plant sites during their operating term and especially during plant license renewal proceedings as a result of this proposed regulation. The duplicity of separate regulatory approaches for present and future plants is a contradiction of regulatory approaches. This proposed rulemaking will likely form the basis of future intervention and litigation for license renewal and future operating licenses due to the duality in regulation. In addition, since U.S. NRC regulation is frequently adapted by other nations, these issues could arise internationally.

Virginia Power strongly supports the NUMARC comments concerning the non-seismic portion of this rulemaking. We agree with the NUMARC conclusions and strongly recommend that radiological dose consequence evaluation factors contained in the current 10 CFR Part 100 be retained as the key determinant of site suitability. The proposed approach to establish projected population density as a criteria for use in assessing the suitability of future nuclear plants is not a precise science lending itself to a definitive conclusion. This approach is likely to be subject to protracted "expert" contention and litigation which may effectively preclude siting or license renewal on a

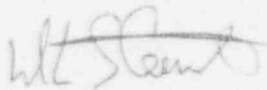
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wholly subjective basis. The present approach appropriately addresses exclusion distance and population density based on an appropriate technical basis which provides protection of public health and safety with an adequate defense in depth on a risk/safety basis. The proposed rule simply does not provide a technical basis for regulation.

Finally, we agree with the NUMARC comments on the seismic portion of this rulemaking which characterizes the requirement to conduct both a deterministic and probabilistic seismic evaluation as fundamentally flawed, since there are no clear technical means to reconcile differences between such evaluations. As mentioned above, this proposed approach also appears likewise destabilizing to the siting process.

Should you have any questions, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. L. Stewart", written over a horizontal line.

W. L. Stewart

cc: Mr. Ron Simard
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