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Public Citizen
Critical Mass Energy and Environment Program
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Washington, DC 20003

November 21, 2001

Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
Mail Stop T-6 D-59
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Comments on environmental issues the Nuclear Regulatory Commission should consider in its review of the proposed license renewal of Catawba Nuclear Station.

To Whom It May Concern:

First, Public Citizen reiterates its opposition to the continuation of the entire nuclear power plant relicensing process.

In the weeks since Sept. 11, the NRC has quietly continued to process relicensing applications as if there were no heightened concerns about the safety of commercial nuclear facilities-which is to say as if it were Sept. 10

NRC Chairman Richard Meserve has called for a comprehensive review of security safeguards at nuclear plants. Legislation pending before Congress would require the NRC, in consultation with the president, to write new rules designed to protect nuclear reactors and nuclear waste from potential attacks. As these comments are filed, news reports indicate additional congressional legislation will seek to federalize security forces at commercial nuclear power plants.

Yet the NRC is sticking to a schedule crafted months ago, and herding old nuclear power plants toward license renewals as if the September attacks never happened.

Security in the wake of Sept. 11 isn't the only reason the NRC should halt its relicensing process. Public Citizen has long opposed relicensing of nuclear power plants, because safety risks increase as reactor components age. And the longer a reactor operates, the more nuclear waste it generates. The nation still has no workable solution for the disposal of deadly nuclear waste.

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The no-action alternative at Catawba

Public Citizen opposes Duke Energy Corporation's application to renew the operating licenses for both units of the Catawba Nuclear Station, near Charlotte, N.C.

Public Citizen believes if the NRC takes federal law as well its own paperwork seriously, and sincerely considers environmental issues connected with the prospect of plant relicensing, the commission will reject Duke's application.

The National Environmental Policy Act requires that the NRC consider all reasonable alternatives to a proposal, including the no-action alternative. In this case, that would mean not renewing the license for the Catawba units.

Public Citizen believes that inasmuch as the expiration dates on the current Catawba licenses are a staggering more-than two decades away, the most prudent and wise course the NRC could take would be to adopt a no-action alternative in the Catawba supplemental environmental impact statement (SEIS).

What would be the environmental and socio-economic impacts of the no-action alternative? Given that the licenses at Catawba units 1 and 2 will expire in 2024 and 2026, respectively, it is hard to imagine the no-action alternative could conceivably lead to any additional negative environmental or socio-economic impacts on either the licensee, the community or the region's land, air and water.

Granted, the NRC has made a shameful attempt to neuter itself in the generic environmental impact statement for license renewal. As if to define itself into irrelevance, the commission has adopted the position that the purpose and need for the license renewal EIS is merely "to provide an option that allows for power generation capability beyond the term of a current nuclear power plant operating license." However, the commission's selfless act to render itself completely inoperable falls somewhat short, in that the NRC's true emasculation only happens "absence findings in the safety review*or findings in the NEPA environmental analysis that would lead the NRC to reject a license renewal application*" (NUREG-1437, Vol. 1, 1.3)

Which is to say that despite its best efforts to be ineffectual, the NRC still has a legal obligation to assess the environmental and, by extension, safety impacts of relicensing. That obligation leads to two key points that the NRC must explain in the Catawba SEIS:

*Why is the NRC making a decision that won't take effect for more than two decades, and yet will have an effect for decades after that, based on safety and environmental analyses conducted now?

*How can the NRC justify the assertion (implicit if the relicensing alternative is preferred) that the impacts from relicensing will be smaller than the impacts from the no-action alternative, when relicensing is an event that as a practical matter doesn't take effect for more than two decades?

It's as if the NRC is desperate to sell relicensing. Perhaps the commission should buy time on the home shopping network:

Why take advantage of this incredible offer and relicense now? Because NRC approval of your application is much more than just a finding of no significant impact. That's right, if you order now, the NRC will also assure that there will be no impacts for-not two, not three, but for more than four decades!

But wait-there's more! Because if you relicense now, the NRC will throw in a bonus analytical conclusion: no alternative energy sources are viable, and none will be--at least not for 40 years!

Little wonder that Duke, like the rest of the nuclear power industry, has its phone glued to its corporate ear, ordering plant relicensing after plant relicensing. The NRC is making a tremendous offer, and NRC operators are standing by.

Meanwhile, on the reality channel, there is simply no way that the NRC can determine if conclusions in the safety report or the SEIS will hold up for the next 45 years.

In the Catawba SEIS, the NRC should examine each and every one of the 92 impacts listed in Table 9.1 of the generic EIS and try to make a sincere analysis of the significance of those impacts through the year 2046.

Public Citizen particularly looks forward to the NRC's analysis in the areas of high level radioactive waste and alternative energy sources, as explained below.

High-level radioactive waste

* The NRC "believes that there is reasonable assurance that at least one mined geological repository will be available within the first quarter of the twenty-first century, and sufficient repository capacity will be available within 30 years beyond the licensed life for operation of any reactor*" (10 CFR 51.23) What if there isn't? Since the commission rendered it's belief, it's become just as reasonable to assume that there may in fact not be a geological repository in the first quarter of this century, or the first half of it, for that matter. What then?

*If the NRC relicenses Catawba, nuclear waste, whether stored in pools or in dry storage, would continue to accumulate over an additional 20 years of an extended license period. What "reasonable," to use the NRC's word, grounds are there for preferring that option to the no-option alternative in the Catawba SEIS?

*The generic EIS, (6.4.6.7) states: "Within the context of a license renewal review and determination, the Commission finds that there is ample basis to conclude that continued storage of existing spent fuel and storage of spent fuel generated during the license renewal period can be accomplished safely and without significant environmental impacts." Does that finding assume that a permanent repository will be built, or is the NRC stating that waste can be stored safely, without impacts, indefinitely?

*In previous nuclear power plant relicensing documents, the NRC has failed to assign a level of significant impact to collective offsite radiological impacts from the fuel cycle and from high level waste and spent fuel disposal (NUREG 1437, Supplement 5, Chapter 6). If the NRC is tempted to reach a similar conclusion with the Catawba SEIS, it raises the question: How can the NRC claim that relicensing is a preferable alternative to the no-action alternative, when the waste disposal question is so uncertain that the NRC can't even assign it a level of significance?

Alternative energy sources

* The generic EIS "assumes that conservation technologies produce enough energy savings to permit the closing of a nuclear plant." (NUREG-1437, Vol.1, 8.3.14).

Is that true with respect to the Catawba plant?

*What is the projected energy conservation from demand-side management in the Catawba service area over the next 20, 30 and 45 years?

*By how much will new federal appliance energy standards, implemented or adopted since the GEIS was written, effect energy conservation in the Catawba service area over the next 20, 30 and 45 years?

*The GEIS tends to dismiss solar and wind power as "baseline" sources of replacement. What is the potential of solar and wind power as replacement if considered as distributive sources, rather than baseline sources, over the next 20, 30 and 45 years?

*What are the environmental and socio-economic impacts of solar and wind power if considered as distributive sources rather than baseline sources, and within that scenario, why would the impacts from the relicensing alternative be preferred.

*Could a combination of alternatives, blending conservation, energy efficiencies, distributive power, including fuel cells, and renewable energy sources constitute a cost-effective replacement for the Catawba capacity?

*Is the prospect of such combination being cost-effective more, or less, likely in 20, 30 and 45 years?

*In previous nuclear power plant relicensing documents, the NRC has dismissed combination alternatives, such as a mix of conservation and distributive power, as "not considered feasible at this time" (draft NUREG-1437, Supplement 5, 8.3). If the NRC is tempted to reach a similar conclusion with regard to Catawba, it begs the question: why does the NRC care what is feasible "at this time" when the applicant's current licensing is not going to expire for more than two decades?

*If, after rigorous analysis of the questions raised above regarding alternative energy sources, it is determined that those sources may likely constitute a cost-effective alternative to relicensing, then, given the distant expiration dates of the applicant's current licensing, why is relicensing preferable to the no-action alternative?

Sincerely,
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