



Nuclear Energy Information Service

“Illinois’ Nuclear Power Watchdog for 25 years”

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PUBLIC COMMENTS TO NRC CONCERNING THE ENVIRONMENTAL IMPACT STATEMENT FOR AN EARLY SITE PERMIT AT THE EXELON ESP SITE, NUREG-1815 v. 1 & 2

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NEIS wishes to thank the Nuclear Regulatory Commission for the opportunity to provide these comments in the above matter. After reviewing the record, we urge the NRC to deny Exelon the Early Site Permit it requests for the Clinton, Illinois reactor site.

Numerous objections have been documented with the Environmental Impact Statement (EIS) for the Early Site Permit (ESP), not the least of which have been:

- Exelon’s and NRC staff’s inaccurate undervaluation of the potential for efficiency and renewable energy resources to provide cleaner, economically competitive and more environmentally friendly power than a nuclear reactor; and NRC staff’s inclination to merely accept Exelon’s version of this potential, without serious investigation of countering arguments;
- An inadequate consideration of the impact of high-level radioactive waste storage onsite during the 40 year operating period, and the potential 20 year reactor license extension period that Exelon would likely request;
- Exelon’s historic performance record of avoiding preventive maintenance, and waiting for components and equipment to fail first before making repair; and allegations of engineer Oscar Shirani who states that both NRC and Exelon violate the Code of Federal Regulations by not having an adequate, documentable quality assurance program in place dealing with power uprate and dry-cask storage issues;
- NRC’s preposterous prohibition on the consideration of the impacts of potential terrorist threat, when the proposed Clinton reactor would be within 27 minutes flight time of the world’s busiest airport at O’Hare Field; and the NRC fails to adequately assess water-based terrorist strikes at a reactor whose cooling lake depends on a questionably secure earthen dam. This past summer the 9th Circuit Court of Appeals handed down an important decision backing REAL homeland security by ruling that NRC must require the consideration of the consequences of acts of terrorism in all licensing proceedings as part of the Environmental Impact Statements under the National Environmental Protection Act (NEPA). That NRC continues to fail to grasp the significance of this issue argues strongly that the Agency is too biased to be allowed to continue to be sole rule maker in such matters.
- Exelon’s and NRC’s lack of adequate consideration of the July, 2005 BEIR-VII conclusions on the impact of low-dose radiation exposures

Any one of these issues argues strongly in favor of exercising the precautionary principle and denying the ESP until such issues were resolved. Collectively, they not only argue against the consideration of a new reactor, and question the continued operation of Clinton-1. They serve as illustrators of just how much the NRC is willing to ignore reality in its efforts to comply with the wishes of Exelon, the party it is supposed to be regulating. If this permit is granted, then the nuclear industry watchdog has become the lapdog.

Such concerns about NRC’s lack of objectivity recalls a historic event that seems applicable in this situation and thus worthy of consideration:

THE ESP REVISIONS AND PARABLE OF THE 50.54 LETTER

While NEIS welcomes the opportunity to provide these comments to NRC concerning the ESP EIS, we must admit that we are totally skeptical about NRC's commitment to real examination of the claims of those opposing this permit, and use of the materials and comments it will be receiving.

In the mid-to-late 1990s, in response to consistently poor performance at Illinois reactors, NRC sent (then) Commonwealth Edison a "50.54 letter," referring to that Section of the Code of Federal Regulations NRC cited to Exelon. The letter was unique in that it not only required ComEd to analyze its problems and create and implement solutions; it also required ComEd to *explain in detail to NRC why ComEd should be believed this time that their methods would work, when they had failed to improve so frequently before*. While a laudable goal, NRC never followed up on getting ComEd's explanation, and gave them a pass.

NEIS finds itself in a similar situation in taking the NRC seriously about the ESP process. For the better part of the past decade, NRC has, for example:

- systematically ignored the pleas to improve reactor security and safety coming from competent critics like Paul Leventhal and physicist Ed Lyman of the Nuclear Control Institute; Dan Hirsch of the Committee to Bridge the Gap; and nuclear engineer David Lochbaum of Union of Concerned Scientists. Indeed, almost up to the very day of Sept. 11, 2001, NRC was prepared to allow the nuclear industry tremendous self-monitoring latitude in this critical area of reactor security and safety. This, in spite of the dismal 47% failure rate for intruder repelling amassed by the nuclear industry at the hands of former Navy SEAL Capt. David Orrick;
- denied petitioners requests calling for back-up power sources for emergency sirens around nuclear plants, even after being shown the sirens frequently fail for lack of primary power;
- presided over the Davis Besse travesty
- colluded with Exelon to hush-up for either years the tritium leaks at Exelon's Braidwood and Dresden reactors, deliberately keeping the information from the neighboring communities around these reactors
- dismissed with explanation the serious criticisms dealing with quality assurance issues and integrity of HLRW storage casks from safety-advocate Oscar Shirani, and from former NRC inspector Ross Landsman who confirmed Shirani's contentions

With this as a backdrop, it is both logical and rational for all participants in the ESP process to seriously ask the question:

Given a history of demonstrated NRC indifference, and a demonstrated penchant for NRC to allow the industry to exert undo influence on its own regulation, why should anyone believe that NRC will be doing anything meaningful this time to protect the public health and safety?

This is no rhetorical question. In fact, NEIS formally requests a written, detailed response to it, so we can send it to the others on the service list for our comments, and to the media. Failure to reply will be further confirmation that this process is merely "business as usual."

In conclusion we again urge you to save everyone – you, Exelon, the public and the state of Illinois – the time and resources involved in pursuit of a reactor license which will ultimately fail. Urge Exelon to revise its consideration of energy efficiency and renewable energy instead; it's a far more cost effective pursuit.

Thank you for consideration of these positions.