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San Luis Obispo Mothers for Peace  
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Office of Secretary  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

September 7, 2001

Attention: Rulemaking and Adjudications Staff

**OPPOSITION OF THE SAN LUIS OBISPO MOTHERS FOR PEACE, THE ENVIRONMENTAL CENTER OF SAN LUIS OBISPO, THE RENEWABLE ENERGY PROJECT OF THE NUCLEAR AGE PEACE FOUNDATION AND THE GRANDMOTHERS FOR PEACE TO PROPOSED NRC RULEMAKING, TO EXCLUDE AND/OR ELIMINATE PUBLIC PARTICIPATION IN LICENSING PROCEDURES**

The San Luis Obispo Mothers for Peace, the Environmental Center of San Luis Obispo, the Renewable Energy Project of the Nuclear Age Peace Foundation and the Grandmothers For Peace, are adamantly opposed to the Nuclear Regulatory Commission's (NRC) proposed Rulemaking described in Federal Register 04-6-01, Vol. 66, which changes the licensing hearing process for nuclear power reactors. We assert that the proposed changes take away our fundamental rights as citizens who live in affected areas. These rights have been in place since the passage by Congress of the Atomic Energy Act of 1954 and must not be dissolved.

Deregulation of electricity has resulted in a reduction in nuclear power plant owners. Today the top 10 owners of nuclear plants control 73 of the 103 operating nuclear units. These nuclear utilities intend to make sure that profits continue, by reducing and/or eliminating public participation, which is key to those profits.

To achieve its goal of unimpeded operation and growth, utilities with nuclear plants petitioned successfully for the NRC to revamp its procedures. With support from the Cheney-Bush energy plan, the NRC is in the process of streamlining rulemaking to accommodate an industry who, left on its own, could never compete economically.

Squashing public participation is the only way the industry can possibly hope to continue along its uneconomical and toxic path.

The NRC proposal to "deformalize" public interventions by replacing trial-type public hearings (Chapter 10 of the Code of Federal Regulation Part 2 Subpart G) with "informal" hearings (Subpart L) is not in the public interest. Stripping of key due process procedures-such as mandatory discovery of documents for the disclosure of opposing evidence and cross-examination to confront witnesses on statements of fact- is unacceptable. The San Luis Obispo Mothers for Peace, the Environmental Center of San Luis Obispo, the Renewable Energy Project of the Nuclear Age Peace Foundation and the Grandmothers For Peace already find it extremely difficult to get a NRC hearing. However, if parties succeed in getting a contention admitted, to force upon them expedited hearings make their efforts and the process a mockery.

Public input is an essential element in assuring that safety remains paramount in NRC decision-making. Full and meaningful participation in on-the-record hearing procedures for the licensing of new reactors, the relicensing of aging reactors and industry amendments to operating license safety requirements must be guaranteed. The licensing process for the nuclear industry must be held fully accountable-with on the record hearings and full public disclosure of actual and updated safety issues and risk analysis. In addition, the NRC must guarantee the right to cross examination of all witnesses of statements of fact in a trial-type proceeding.

It is imperative that the NRC Rulemaking procedures under current consideration retain vitally important components in existing legislation, which enable members of the public to meaningfully participate in the decision-making process. Individuals who live or work in proximity to existing nuclear reactors or high-level radioactive waste sites support our demands. There is also a wide range of environmental groups, consumer advocate groups, physicians, physicists, geophysicists, and many members of the scientific community of technical expertise in this area who echo our concerns. These proceedings are of vital interest to the public and must follow established practices designed to protect the public and assure safe operation at U.S. nuclear power plants.

The San Luis Obispo Mothers for Peace, the Environmental Center of San Luis Obispo and the Renewable Energy Project of the Nuclear Age Peace Foundation and the Grandmothers for Peace are appalled that the NRC is currently allowing "early filings" for license extensions for up to 20 years. Automatic approval actions by the NRC on early filings for license extensions and renewals are premature and jeopardize public safety. It is vitally important that this current practice be discontinued. Only realistic analysis and actual up-to-date assessment of most recent physical conditions at nuclear plants-including operating systems, cooling systems, storage of spent fuel, adequacy of emergency plans, and numerous other considerations-will assure the public that a nuclear power plant can continue to operate safely.

Nuclear utilities are rushing to attain license extensions today for plants that are not due for relicensure for several years. The nuclear industry learned the hard way when the

Yankee Roe nuclear plants filed for a license extension and NRC and intervenor review discovered severe and costly age-related degradation. Yankee Roe was faced with extremely expensive retrofits and shut down.

The proposed rulemaking and the current practice of early license renewals must not override the NRC's responsibility to investigate saltwater degradation or intrusion in assessing California's aging nuclear plants. Currently, Diablo Canyon and the San Onofre Nuclear Generating Station (SONGS) are being examined for a newly discovered type of cracking that could release radioactive steam into the domed containment structure. This appears to be a generic problem at other reactors, however the additional factor of corrosive saltwater and seismic activity may exacerbate the problem and must be included in any investigation. Only verifiable checking of actual effects of salt-water degradation, salt water intrusion, metal fatigue, and premature aging will assure public safety in California. Additionally, risks from seismic and tsunami events must be included during consideration of NRC's almost 'automatic' approval process.

As the science and technology improves our understanding of seismic activity near operating nuclear plants in California, it is imperative that any new information be immediately included in any and all NRC proceedings. In seismically active California, it is crucial that current seismic information be included in all decision-making.

The San Luis Obispo Mothers for Peace, the Environmental Center of San Luis Obispo, the Renewable Energy Project of the Nuclear Age Peace Foundation and the Grandmothers for Peace demand that the current NRC rulemaking-which effectively guts meaningful public participation-be withdrawn from consideration. We strongly believe that only when the public is a full participant in decision-making that responsible and safe solutions are achieved.

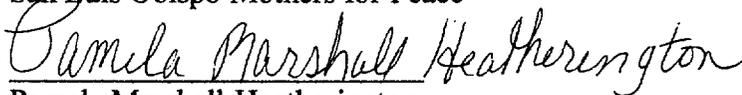


Rochelle Becker

San Luis Obispo Mothers for Peace

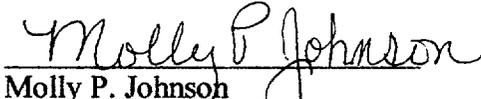
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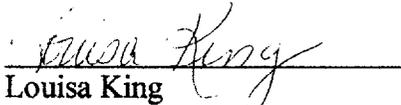
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