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DOCKETED
USNRC

Michael S. Hubbard
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North Palm Beach, Florida 33408

June 11, 2009 (9:10am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

10 June 2009

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

sent via e-mail:
hearingdocket@nrc.gov

Chairman of the Licensing Board
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

sent via e-mail:
megan.wright@nrc.gov

Re: PROGRESS ENERGY FLORIDA, LEVY COUNTY UNITS 1 & 2
DOCKET NOS. 52-029 COL & 52-030 COL

Dear Licensing Board Panel:

I appreciate this opportunity to comment on Progress Energy of Florida's application to construct and operate two nuclear generators in Levy County, Florida. I am in agreement with the 6 February 2009 Petition to Intervene and add the following comments for consideration.

1. Safety design and documentation is incomplete and; therefore, the applicant should address these matters before the application can be considered. The public expects the Nuclear Regulatory Commission (NRC) and the Atomic Safety Licensing Board (ASLB) to ensure that nuclear power plants are constructed and operated safely. Without completed design specifications and details, it is impossible to ensure that safety. Given the alarming importance of the deficiencies pointed out in the Petition to Intervene, the application should not be granted until information is provided that will allow a meaningful technical and safety review.
2. Environmental impacts are inadequately addressed and understated in the application. Because of this, significant economic considerations are also excluded. The application also fails to indicate that state and other branches of the federal government will grant permits that would be required outside the NRC's purview, but equally important to successful construction of the proposed project.

The applicant has understated the massive environmental impacts that would result from the construction and operation of the Levy Nuclear Plant. Clearly the environmental impacts deserve detailed attention due to numerous state and federal approvals from agencies, mandated to protect the environment in general, and wetlands in particular, that will be needed in order to construct the proposed project.

For example: I fail to see the state allowing long-term massive dewatering that will impact the groundwater aquifers and an "Outstanding Florida Water" necessary for constructing the project. I anticipate difficulties obtaining permits for the withdrawal of massive daily water requirements from the freshwater aquifer (one wonders how PEF will grow its customer base, as it plans, if no one else can obtain a water withdrawal permit in the area because the plant has taken all available waters excepting those required to maintain the natural

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environment). The long-term effects of salt deposition from the cooling towers is not discussed. As a biologist that evaluates wetlands and has witnessed the environmental impacts of development, I cannot agree that the environmental impacts are as insignificant as the application states, nor did I observe detailed explanation supporting the conclusion that environmental impacts will be insignificant.

The impacts to wetlands seem especially poorly covered in the application. According to federal and State of Florida laws, the applicant will be required to rigorously demonstrate that impacts to wetlands could not have been avoided (by constructing elsewhere, for example) and that design of the project minimizes wetland damage as much as possible. For wetland damages that occur after "Avoidance and Minimization" have been demonstrated, the applicant will be required to restore, enhance, or create new wetlands; this is termed "mitigation." According to the "no net loss" of wetlands policy followed by the U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (EPA), and the State of Florida, all impacts to wetlands will require mitigation.

The applicant has not demonstrated that state or federal policies regarding wetland impacts will be permitted by the applicable agencies. Furthermore, mitigation costs are substantial and continue to increase as less land for natural restoration activities is available. This cost does not appear to have been considered with the economic feasibility analyses. I have witnessed projects terminated because consideration of these costs were not included in the initial planning stages. I do not believe the environmental mitigation costs have been adequately discussed in the application, let alone included in economic feasibility considerations.

Endangered species impacts are also understated in the application, nor have they been given financial consideration. For example, the federally endangered wood stork uses the area within the proposed project site. Recently, the U.S. Fish and Wildlife Service and USACE have required habitat mitigation when wood stork habitat is destroyed. The costs for mitigation for wood stork habitat often increase the amount of, and/or changes in the type of, required mitigation and can increase costs substantially. This cost was not considered in the economic feasibility information and the likelihood of being granted rights to destroy wood stork habitat from the applicable state and federal agencies was not discussed.

3. Construction of the plant within a floodplain was not adequately justified in the application. Construction could not be allowed until obtaining variances from state, and probably county, ordinances restricting such construction. The applicant has not demonstrated that obtaining these variances are likely, or even possible. Aside from the numerous environmental impacts created by construction on a floodplain, there are compelling reasons why construction is not allowed on floodplains, such as floods and structural integrity. For a site containing nuclear fuels and wastes, this seems a very important consideration. The applicant has not justified why construction within a floodplain is necessary.

4. The applicant did not specify a means of disposing of nuclear wastes generated by the facility. The NRC has failed to make available the promised long-term disposal options. They will continue to have trouble doing so for decades because we do not have the technology to make a storage box that will last for one million years. It is the height of folly to generate such a highly toxic, enduring, and mobile waste when we cannot safely dispose of it.

Is there not some requirement that such potent waste streams cannot be generated if there is no safe means of disposal? Is there nothing in the NRC or ASLB regulatory requirements that prevent approval of application if the wastes are a threat to humans and every living thing for a million years and no safe method for even storing the stuff is available? I believe there must be. If nothing else, federal approval of this project is not allowed under the intent of the National Environmental Policy Act.

I cannot re-state how illogical it is to generate so powerful a toxin when we cannot dispose of it. Approval of this application without demonstrating any safe method of disposal also violates an international moral and ethical belief called "intergenerational equity." That is a basic belief that we should not leave to our progeny the trash we cannot deal with today.

Not generating waste we cannot dispose of is merely the logic of survival: we generate nuclear waste faster than it degrades; nuclear waste is highly mobile and can spread through water and air; nuclear waste is highly toxic to all life, including us and the food we eat; we cannot guarantee the safe storage of the waste for its hazardous lifetime. A thinking species, given those facts, would prohibit the generation of nuclear waste as a simple matter of survival.

I request that you deny the permit application at this point until consideration of the broader implications of environmental impacts are presented in sufficient detail, the design of the systems are complete enough to undergo meaningful technical and safety review, costs are presented that include mitigation of environmental damages in the economic feasibility determination, and deny consideration of the application until a sound method for disposing of nuclear wastes is presented by the applicant.

Thank you for your consideration of these points in making a determination.

Michael S. Hubbard

Docket, Hearing

From: Michael Hubbard [mshubb1@yahoo.com]
Sent: Wednesday, June 10, 2009 11:39 PM
To: Docket, Hearing; Wright, Megan
Subject: Comments to Docket Nos. 52-029 COL & 52-030 COL
Attachments: Levy1&2 - ASLB Comments MSH.pdf

Dear Atomic Safety Licensing Board Panel:

Please find attached comments to the Progress Energy Florida, Levy County Units 1 & 2, Docket Nos. 52-029 COL & 52-030 COL. I appreciate the opportunity to add public comment to the 6 February 2009 Petition to Intervene.

Sincerely,

Michael S. Hubbard

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Date: Wed, 10 Jun 2009 20:39:14 -0700

From: Michael Hubbard <mshubb1@yahoo.com>

Subject: Comments to Docket Nos. 52-029 COL & 52-030 COL

To: hearingdocket@nrc.gov, megan.wright@nrc.gov

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