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SUBJECT: Comment on transmission line impacts in draft suppl to generic environmental impact statement for Oconee Station.

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May 27, 1999

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**Date:** Mon, Jul 12, 1999 9:33 AM  
**Subject:** Comment on Including Transmission Line Impacts in the Draft Supplement to the Generic Environmental Impact Statement for Oconee Station

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I have attached a Word 97 file that contains my comment. If you need the comment in another format, please let me know by return e-mail or by phone at (803) 649-7963 and I'll convert it.

<<T-Lines Comment.doc>>

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**Comment of Jon Cudworth Regarding Including Transmission Line Impacts in the  
Draft Generic Environmental Impact Statement Supplement for Oconee License Renewal**

My name is Jon Cudworth and I reside at 325 Longleaf Ct, Aiken, South Carolina 29803. I believe that the U. S. Nuclear Regulatory Commission (NRC) should delete from the draft GEIS supplement for Oconee<sup>1</sup> all analysis of transmission line impacts. In the following paragraphs I offer the basis for my belief that, in including the transmission line analyses, NRC has exceeded its statutory authority.

As NRC indicates in the draft supplement, the National Environmental Policy Act (NEPA) requires environmental impact analysis for major Federal actions. NRC regulations require analysis of direct and indirect effects,<sup>2</sup> terms that the President's Council on Environmental Quality define as being caused by the action.<sup>3</sup> Put another way, if an effect would not be caused by the proposed Federal action, the effect is outside the scope of NEPA coverage for the proposed action. This requirement for a causal relationship between the Federal action and the effect is reflected in the NRC license renewal environmental regulation, which requires "...an assessment of the impact of the proposed action on the potential shock hazard from the transmission lines..."<sup>4</sup> The threshold question regarding the relevance of transmission line impacts should be whether the proposed action, renewing the license, causes impact in the form of potential shock hazard.

I have read the Duke position on the irrelevance of the transmission lines to license renewal.<sup>5</sup> Duke has put forth facts that indicate that Oconee station transmission lines would remain in use even if the Oconee station were shut down. If the lines would remain in use, it would appear that the potential for shock hazard would exist regardless of license renewal. In such a case, there would be no causal connection between the proposed action, license renewal, and the impact, transmission line shock hazard potential. If uncontested, the Duke statements would indicate that Oconee transmission impacts are not germane to the NEPA analysis of Oconee station license renewal.

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<sup>1</sup> *Generic Environmental Impact Statement for License Renewal of Nuclear Plants; Supplement 2; Oconee Nuclear Station; Draft Report for Comment*, NUREG-1437 Supplement 2, May 1999.

<sup>2</sup> 10 CFR 51 Subpart A Appendix A Items 7(a) and (b).

<sup>3</sup> 40 CFR 1508.8.

<sup>4</sup> 10 CFR 51.53(c)(3)(ii)(H).

<sup>5</sup> Letter, Tuckman to Document Control Desk, 3/4/99, Enclosure 2, Environmental RAI 11.

The NRC response to Duke regarding relevance of Oconee transmission line impacts<sup>6</sup> does not contest the Duke contention that the transmission lines would remain energized regardless of license renewal. Instead, the response indicates that the basis for determining the scope of the transmission lines is defined as those lines originally constructed for the specific purpose of connecting the plant to the transmission system. Frankly, I think that the NRC response misses the point.

At the time that Oconee was constructed, Oconee transmission line construction was a connected action and transmission line impacts were indirect impacts of plant construction. If the plant had not been built, the lines would not have been built. There was a causal relationship between the Federal action, licensing operation, and the impact of transmission line shock hazard potential. Analysis of potential shock hazards from Oconee transmission lines, therefore, would have been appropriate at that time. However, at the license renewal stage, absent a showing of such a casual relationship, there is no Federal action that causes transmission line impacts. NRC has failed to show that license renewal would be the cause of potential shock hazard from Oconee transmission lines.

It is possible that the wording of the NRC regulation is a source of confusion:

If the applicant's transmission lines that were constructed for the specific purpose of connecting the plant to the transmission system do not meet the recommendation of the National Electric Safety Code for preventing electric shock from induced currents, an assessment of the impact of the proposed action on the potential shock hazard from the transmission lines must be provided.

10 CFR 51.53(c)(3)(ii)(H)

The regulatory requirement is a single sentence that is one paragraph long but it is in the basic logic form of an independent and a dependent clause (if A, then B). The basis for analysis that NRC presents is found in the independent clause. Duke does not appear to contest this clause, so it might be that the Oconee lines were constructed for the specific purpose of connecting the plant to the transmission system. However, regardless of whether the lines meet the referenced Code, one has to go on to see what the regulation requires – an assessment of the impact of the proposed action on the potential shock hazard. If the proposed action, license renewal, would have no impact on the potential shock hazard, then no further analysis should be necessary. Duke seems to have demonstrated persuasively that license

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<sup>6</sup> Letter, Carpenter to McCollum, 5/10/99.

renewal would have no impact on the potential shock hazard.

The governing NRC regulation, 10 CFR 51, indicates that it implements NEPA.<sup>7</sup> If, in implementing this regulation, NRC requires an applicant to analyze something that NEPA and the implementing regulation do not require, isn't NRC exceeding its statutory authority? And if NRC includes the analysis in its NEPA document, isn't that exceeding the NRC authority? NEPA and 10 CFR 51 very clearly do not apply to impacts that are not caused by license renewal and Oconee transmission line impacts apparently are not caused by license renewal. I think that NRC is in error and should revise the Oconee GEIS supplement by 1) deleting transmission lines impact discussion and 2) adding an explanation that, because the lines would remain energized regardless of license renewal, any impacts from transmission line operation would not be caused by the proposed Federal action and are not within the scope of the GEIS supplement.

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<sup>7</sup> 10 CFR 51.2.