

POCKET NUMBER  
PROPOSED RULE PR 51  
(59 FR 2542)

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January 29, 1994

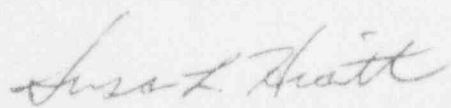
COMMENTS OF OHIO CITIZENS FOR RESPONSIBLE ENERGY, INC. ("OCRE")  
ON "ENVIRONMENTAL REVIEW FOR RENEWAL OF OPERATING LICENSES:  
PUBLIC MEETING," 59 FED. REG. 2542 (JANUARY 18, 1994)

OCRE does not believe that any findings made by the NRC under NEPA regarding license renewal would in any way preempt or conflict with the traditional authority of states to regulate electric utilities with respect to questions of need. The NRC is charged with implementing NEPA, determinations under which involve an assessment of need for the proposed action. The NRC has traditionally considered questions of need for power and alternative sources of energy in issuing construction permits and operating licenses for nuclear power plants. The NRC's findings did not bind the states then, and will not in the case of license renewal either. Federal preemption under the Atomic Energy Act extends only to radiological health and safety matters, not to need for electricity and economic questions. Pacific Gas and Electric Co. v. State Energy Resources Conservation and Development Commission, 103 S.Ct. 1713 (1983).

The reality is that market forces and state regulation will be the decisive economic factors influencing utility decisions whether to proceed with license renewal, regardless of what the NRC may find in any generic or plant-specific EIS.

OCRE supports the revisions to the proposed rule in response to CEQ and EPA comments. These revisions will retain meaningful public participation rights on NEPA issues. OCRE also supports the staff proposal that the NRC will review and, if necessary, update the environmental analyses every 7 years. This should reduce the potential for error inherent in making long-range predictions.

Respectfully submitted,



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