

Comments on proposed "immediate effectiveness rule" for CP stage, 47 FR 47260 (10-25-82) by Wells Ed [unclear]

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Here's another really silly proposal - NRC fooling with the rules for construction permits when (1) none have issued for years and (2) plants are being cancelled left & right.

(1) The Milhollin Report shows NRC is the only federal agency to make initial decisions effective at once, despite mandatory review by the Appeal Board. Why do that when:

(2) Many CP decisions prove wrong: North Anna 3+4, cancelled by VEPCO with over \$400 million invested; Perkins (3 units) had a CP hearing complete in '79, (was indefinitely delayed, June '79; cancelled, 2/82; Cherokee 2+3, cancelled by Duke Power, millions invested; Sharon Harris 3+4 cancelled, #2 almost canned - no work going forward, no financing, and as for #1, CP+L Chairman Sherwood Smith (Raleigh, NC, News & Observer interview, June '82) says "if we had to start it over again, [Harris] would be a coal plant" because "nuclear plants cost 3 times as much as coal." The Harris CP issued in 1978.

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With a record of bad decisions like this, why rush construction, which can only

The Seabrook case is an outrageous example. The ASCLAB found error in siting it. But NRC had let work go forward. Then NRC claimed that work would count in cost-benefit versus alternatives. That is, you backed a wrong decision later, after you rushed it into effect. When will NRC learn that avoiding errors is the basis of nuclear safety? Why do you rush to approve errors, and perpetuate them? Are you saboteurs?

(3) At the DL stage, NRC has put "immediate effectiveness" back into action since 3 Mile Island. But it should be called "immediate defectiveness." Look at the lemons you've OK'd: Diablo Canyon, where the board dismissed the seismic issue but 100s of errors in seismic design were found later; Zimmer, a horribly built plant; Sequoyah, which is still trying to get it right. And the defective Westinghouse Model D steam generators, e.g. at McGuire, VC Summer. The Summer case is most indefensible since you know the defect will be harder to fix when the system is radioactive.

Immediate effectiveness at the DL makes NRC look like (1) idiots at inspection; (2) enemies of ratepayers, who pay the full cost of defective plants while they deliver low output; (3) arch enemies of nuclear power, by making its faults obvious and onerous to the public.

If you had any sense, you'd scrap this rule + go try to fix the industry that builds these no-good plants. Waste \$100m