



Nuclear Energy

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A Different Era: An Update on New Nuclear Adjudications

The first applications for licenses to construct and operate new power reactors were filed in 2007. At the time, the applications were the first in nearly 25 years — but they were not the last. To date the Nuclear Regulatory Commission (“NRC”) has received 17 combined license (“COL”) applications for 26 new nuclear reactor units. Several more are expected in the next 18 months.

A review of the COL applications and associated licensing proceedings provides some insights into the public’s reaction to proposed new nuclear. The vast majority of the new units are being proposed near existing plants and therefore in areas where people have lived with a nuclear plant nearby for decades. Strong local opposition to these new nuclear units has not materialized, and no state governments have opposed the proposed new reactors. This lack of resistance suggests that communities and states are comfortable with additional reactors at these sites, and understand and appreciate the benefits nuclear power offers as a source of clean energy, reliable electricity, tax revenue, and employment. Indeed, the public near the proposed sites have generally embraced new nuclear and recognized its environmental and economic benefits for their communities.

These circumstances are quite different than those that existed during the 1970s and 1980s. Then, local communities in some areas represented the source of the strongest opposition to new nuclear — fearing both the environmental and financial risk to ratepayers associated with nuclear power projects. And, combined with significant economic factors, the opposition had some success in stopping development of many nuclear projects. Yet, the nuclear industry’s record over the past 20 years has shown that nuclear power plants can be good, safe neighbors and an integral part of the local community.

Despite these developments, applications for new nuclear units have not gone unchallenged. Of the 17 COL applications, the Atomic Safety and Licensing Board (“ASLB”) has granted a request for hearing and petition to intervene in eight of the proceedings. Licensing Boards have denied hearing requests in three proceedings and dismissed one proceeding subsequent to a Commission order. In six of the proceedings in which the petition was granted, the presiding Licensing Board admitted contentions related to the low-level waste disposal. Other admitted contentions discuss alleged impacts on aquatic resources and species, effects on threatened and endangered species, environmental damage, water and wastewater discharge, groundwater and groundwater supply, the cost of a facility, foreign investment in the project, offsite contamination, accident scenarios, and a failure to consider alternatives.

Licensing Boards have also denied admission of more than 100 contentions relating to issues such as decommissioning funding, aging population, high-level waste disposal, terrorism, not-yet-certified reactor designs, site geology, uranium fuel supply, clean air act standards, global warming, flooding, explosions, unusable land, the need for power, emergency evacuation plans, public health consequences, consultation with Native American tribes, anticipated dose to workers, spent fuel pools, and seismicity.

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The organizations submitting contentions in these proceedings are either national/regional groups or smaller, local environmental groups or individuals. The Blue Ridge Environmental Defense League and Nuclear Information and Resource Service have attempted to intervene in multiple proceedings. Local intervenors have included the Missouri Coalition for the Environment, Missourians for Safe Energy, Missourians Against Higher Utility Rates, Sustainable Energy and Economic Development, Public

Citizen, True Cost of Nukes, North Carolina Waste Awareness and Reduction Network, and local Sierra Club chapters. While state governments often intervene in the proceedings as interested governmental entities, none have opposed the new units to date. The table below contains a brief summary of the current status of hearing requests for the COL applications filed to date.

Status of COL Adjudications			
Application	Docket	Event	Comments
Bell Bend	52-039	Petition denied	Petitioner has appealed to Commission
Bellefonte	52-014/52-015	Hearing granted	Contentions: aquatic resource impacts and cost of facility
Callaway	52-037	Review suspended	Parties reached a settlement agreement
Calvert Cliffs	52-016	Hearing granted	Contentions: foreign ownership and low-level waste
Comanche Peak	52-034/52-035	Hearing granted	Contentions: accident scenarios and failure to consider alternatives
Fermi	52-033	Hearing granted	Contentions: low-level waste, offsite transport and problematic hydrology, environmental impacts, impacts on endangered species
Grand Gulf	52-024	Review suspended	
Harris	52-022/52-023	Petition denied	Proceeding terminated subsequent to Commission order. Petitioner has appealed.
Levy County	52-029/52-030	Hearing granted	Contentions: environmental impacts, low-level waste, compliance with Parts 20 and 50
Nine Mile Point	52-038	Review postponed	
North Anna	52-017	Hearing granted	Low-level waste contention later dismissed as moot; late-filed Class B and C waste contention not yet addressed by Board
River Bend	52-036	Review suspended	
South Texas	52-012/52-013	Hearing granted	Contentions: accident scenarios, water discharge, groundwater, wastewater discharge, groundwater supply
Summer	52-027/52-028	Petition denied	Petitioners have appealed to Commission
Turkey Point	None	Application tendered	
Victoria County	52-031/52-032	Review suspended	
Vogtle	52-025/52-026	Hearing granted	Contention: low-level waste
Williams States Lee	52-018/52-019	Petition denied	

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