

From: James Park
To: Barbara Byron
Date: 10/3/05 8:31AM
Subject: Re: CEC's comments on pre-decisional EA for proposed Humboldt Bay ISFSI

Barbara,

Thank you for your comments on the draft final EA. The editorial changes will be made as you suggest.

As for the potential for terrorist activities during the movement of the casks to the ISFSI, the NRC previously has determined that analysis of the threat of terrorist attack is too speculative to be addressed in a NEPA analysis.

In a December 18, 2002 Memorandum and Order (CLI-02-24), the Commission stated:

"In short, we recognize that we cannot rule out the possibility of a terrorist threat to nuclear facilities, but find that 'the possibility of a terrorist attack ... is speculative and simply too far removed from the natural or expected consequences of agency action to require a study under NEPA.'

As a practical matter, attempts to evaluate that threat even in qualitative terms are likely to be meaningless and consequently of no use in the agency's decision making. Moreover, although one of the purposes of NEPA is to inform the public of the environmental impacts of a major federal action, the results of any attempted analysis of terrorism could not be made available to the public, for reasons associated with safeguards and physical security.

The Commission is devoting substantial time and agency resources to combating the potential for terrorism involving nuclear facilities and materials. In response to the September 11th attacks, the NRC Staff is conducting a comprehensive review of our security and safeguards measures, and we have instituted interim upgrades in security requirements for our licensees. We are also working with numerous other government agencies to meet and minimize the threat of terrorism. Thus, although we decline to consider terrorism in the context of NEPA, the Commission is devoting significant attention to terrorism-related matters."

The Commission treated the threat of terrorist attack in greater detail in its Memorandum and Order for the Private Fuels Storage hearing, in a December 18, 2002 ruling (CLI-02-25). The quote above is from a companion ruling (CLI-02-24) on the Savannah River Mixed Oxide Facility. These rulings are accessible from the NRC's public website, under the Electronic Reading Room tab.

If you have any further questions, I can be reached at (301) 415-5835.

Jim

>>> "Barbara Byron" <Bbyron@energy.state.ca.us> 09/30/05 6:57 PM >>>
Dear James,

I have reviewed the most recent version of the EA for the proposed Humboldt Bay ISFSI. The revised environmental assessment adequately addresses questions that I raised regarding (1) the potential storage of spent fuel in the ISFSI beyond the 20-year license period and (2) potential impacts from earthquakes and tsunamis. Thank you.

Here are some additional comments (mostly very minor) on the EA:

p. 11, Section 2.3.3: delete the extra bullet
p. 13, Section 3.4, line 8: add "(7)" before "operational efficiency",
and "(8)" before "cost considerations".

p. 14, Section 4.2, line 7: change "collocated" to "co-located"
p. 22, section 5.1.1, line 21: spell out "BMPs"
p. 26, 5.2.2, paragraph 2, lin 5: In the discussion of accidents (Design Events III and IV), "missiles generated by natural phenomena" are mentioned. However, there is no discussion of potential impacts from hostile acts directed at the storage/transportation casks, e.g., missiles launched by terrorists (shoulder-fired missiles). How will the EA evaluate such potential radiological impacts, for example, during transfer of the fuel from the pool to the ISFSI?

I will be on travel most of next week, but will return next Friday, if you have any questions. I will be checking my phone messages while I am away.

Thank you.

Barbara Byron
916-654-4976

CC: James Randall Hall; Jennifer Davis; Scott Flanders

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Created By: JRP@nrc.gov

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