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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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March 19, 2007

Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff

Comment regarding Massachusetts Attorney General's Petition for Rulemaking to Amend 10 CFR Part

Docket No. PRM-51-10

FR Doc. E6-18363 Filed 10-31-06; 8:45 am

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Dear Secretary,

I, Eleanor Gavin, heartily support the inclusion in the NEPA decision making documents the consideration of spent fuel storage impacts. I also urge the exclusion of the Waste Confidence Rule, so that there is no postponement of NRC responsibility for the security and safety of spent fuel rod assemblies. My reason is that the mission of the NRC is, first and foremost, public health and safety.

In September of 2005, Independent Consultant Dr. Marvin Resnikoff, nuclear physicist, of Radiation Waste Management Associates said that dry storage is the best way to go if irradiated fuel has to be produced. I am concerned about how this packaging will withstand long term storage near the Connecticut River that may well rise considerably due to unforeseen the abrupt climate changes we are now seeing. I am concerned about transportation to the long term facility, especially if the truck is caught in a tunnel fire like the one in Baltimore on July 18, 2001 see: <http://www.nirs.org/press/07-21-2001/1>. Will the canisters have to be further hardened? What would that involve and how much will it cost and who will pay?

But I realize my concerns pale next to Dr. Resnikoff's follow up: Each spent fuel assembly canister holds the equivalent of 250 Hiroshima bombs, and, at that moment in time -- September, 2005 -- Entergy would need 60-80 dry casks to empty its cooling pool. Here are the new and significant facts which have emerged during VY's first licensing period:

1. The federal nuclear waste facility at Yucca Mountain is already over committed. In September, 2005, there were 210,000 tons of spent fuel waiting to be disposed of.

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Yucca Mountain is designed to accept only one-third of that, i.e. 70,000 tons. There is no prospect for the long term storage of the other two-thirds, another 140,000 metric tons.

2. Counting ahead from September, 2005 to decommissioning in 2012, an additional 140 metric tons of highly radioactive VY spent fuel rods will each demand their spot in the cooling pool.
3. If Entergy is given the go-ahead by the state legislature, the Vermont Yankee will operate until 2032. It will have produced an additional 540 metric tons of spent fuel. By that time, with the spent fuel build-up at the other 102 reactors, other long term storage sites will have to be ready.
4. There was and still is resistance to the opening of the first site, Yucca Mountain. Since other states had refused to allow a long term storage site -- New Hampshire comes to mind -- there will not be the long term sites needed to relieve the short term dry-cask sites. The dry casks storage units will begin to deteriorate and leaks could contaminate aquifers turning whole regions into radioactive waste lands.

Since Vermont Yankee uprated in August, 2006 by 20%, the space available in the pool for more assemblies decreases at a faster rate. Also, there is more loading and repositioning of the assemblies, increasing the time for operational mistakes and accelerating the possibility of equipment failure due to deterioration.

A final issue is that attack from the air is of greater concern due to the increasing terrorist phenomenon. I have read that the Vermont Yankee storage pool is seven stories high and has a roof that is not hardened to intentional attack from above.

I therefore urge that the NEPA decision making documents allow consideration of spent fuel storage impacts, namely:

1. the storage plus transport engineering and management of the next-to-last stage of the nuclear power industry, short term dry-cask storage;
2. the need for dry-cask units to be kept isolated from the Connecticut River, in hardened bunker pits with regular monitoring;
3. the assurance that the long trip to Yucca Mountain can take place safely, without accident and leakage,
4. the crowding of the cooling pools, because attack from above would cause the pool to drain so that the fuel rods are uncovered and no longer cooled. Then the most radioactive assemblies would heat up so much that the clad might catch on fire. This is just about the worst scenario imaginable since each canister contains about 250 Hiroshima bomb equivalents.

In conjunction with the above, please exclude the Waste Confidence Rule, so that the NRC is compelled to take on, without delay, their responsibility for the security and safety of spent fuel rod assemblies. The mission of the NRC is, first and foremost, public health and safety.

Thank you for considering this comment in support of the Massachusetts Attorney General's petition to the NRC, Docket number PRM 51-10

Sincerely,

Eleanor I. Gavin

**From:** Eleanor Gavin <elliegavin@comcast.net>  
**To:** <secy@nrc.gov>  
**Date:** Mon, Mar 19, 2007 11:11 PM  
**Subject:** PRM 51-10

: Secretary, U.S. Nuclear Regulatory Commission

>Washington, DC 20555-0001

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>Subject: Comment regarding Massachusetts

>Attorney General's Petition for Rulemaking to Amend 10 CFR Part

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To the Secretary of the Nuclear Regulatory Commission:

Please, at your convenience, see the letter attached. Thank you.

Eleanor I. Gavin  
PO Box 215  
East Charleston, Vermont 05833

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