

NRCREP - Comment on Diablo Canyon ISFSI

From: Loulena Miles <loulena@trivalleycares.org>
To: <NRCREP@nrc.gov>
Date: 07/02/2007 8:34 PM
Subject: Comment on Diablo Canyon ISFSI

5/31/07
72 FR 30398
(57)

Dear Mr. Hall:

Attached are our comments on the NRC's EA for the Diablo Canyon ISFSI. I also pasted them below if you cannot open our attachment. We would prefer that you consider the comment from the attachment rather than from the pasted in version below because the formatting is slightly different in the attachment. If you would prefer us to fax you our comment, please let me know.

Sincerely,
Loulena

Attn: James R. Hall
NRCREP@nrc.gov

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Comment on Draft Supplement to the Environmental Assessment and Draft finding of No Significant Impact Related to the Construction and Operation of the Diablo Canyon Independent Spent Fuel Storage Installation

Docket No. 72-26

July 2, 2007

Tri-Valley CAREs is a non-profit organization founded in 1983 by concerned residents living near the Livermore nuclear weapons design lab. We were founded to research and conduct public education and advocacy regarding the potential environmental, health and proliferation impacts of nuclear material transportation, storage, research and nuclear weapons activities. The decisions made about the level of detail in a security analysis required by the National Environmental Policy Act (NEPA) can be precedent setting for nuclear facilities across the nation. We have a critical interest in seeing that this document is improved before it is finalized.

On behalf of our 5,600 members, including our members in the San Luis Obispo Area, Tri-Valley CAREs submits the following public comment concerning the Draft Supplement to the EA and Draft Finding of No Significant Impact for the ISFSI facility at Diablo Canyon.

Need for Public Hearing and Extension of Comment Period

We support the call by the San Luis Obispo community for you to hold a public hearing on this document and solicit additional input from the public before making this critical decision.

Most area residents were never made aware of the comment period. It has not been widely or adequately publicized by the Nuclear Regulatory Commission. Therefore, people are being deprived of their right to comment. The deadline should be extended for at least 30 additional days. Furthermore, a public hearing should occur within the extended public comment deadline so that the community will have an opportunity to learn about this important project firsthand.

*SONSI Review Complete
Template = ADM-013*

*E-REDS = ADM-03
Add = J. Hall
(JRH)*

Moreover, the Supplemental EA itself does not tell people where or when to send comments. Perhaps the cover sheet did contain that information but it was not in the document itself.

As you are aware, the purpose of NEPA is to ensure that governmental decision-making is conducted on the basis of sufficient and sound information and in a manner than ensures public participation in this process. This is only done correctly when the agency incorporates the unique local perspectives of the affected community and enables community members to learn about the project through public hearings and public documents.

Tri-Valley CAREs has submitted extensive comments on many National Environmental Policy Act documents over its 23 years and has facilitated thoughtful dialogue and informed debate on important environmental issues through administrative processes. It is clear to us that in order to successfully gather thoughtful public input, NRC will need to extend the public comment period and hold a public hearing.

Environmental Impacts of Terrorist Attacks

We support the Mother's for Peace statement that this document did not provide a reasonable analysis of environmental impacts of a terrorist attack on, or disgruntled employee sabotage of, the facility. The NRC has done a very poor job of evaluating the environmental impacts of intentional attacks on the Diablo Canyon facility. The EA distorts and minimizes the environmental impacts of attacks on the facility by using hidden and unjustified assumptions.

In considering the consequences of potential releases of radioactive material, the NRC has employed only one indicator, namely "the potential for early fatalities." The supplement utterly failed to consider any other impacts besides the number of REM a person would get from being near the facility for an unknown quantity of time while being exposed to an unknown quantity of radioactive and / or toxic materials. Please spell out the assumptions used to generate the estimated amount of exposure including the quantities of materials at the facility, the quantities that are estimated to be release in a terrorist event, the pathways for release that would be expected, the hours that a fire could burn before containment is lost, and the distance that releases would be expected to travel.

We believe this document should have analyzed the long-term environmental effects of release on people and the environment in the case of a security breach. We are also interested in knowing more about the potential for bioaccumulation of releases in plants, animals and humans in the event of a release. Finally, the impacts to community members from regular operations on an annual basis should be analyzed cumulatively with the releases expected during a terrorist scenario.

To exclude consequences other than early fatalities is absurd. Land contamination is a very serious impact that can cause delayed fatalities, illness, and billions of dollars in expenses for relocation and lost income. Independent analysis by Dr. Gordon Thompson showed that an attack on the spent fuel storage facility could cause widespread radioactive contamination. Since there are so few people looking at this facility from an independent perspective, please consider his expert analysis in your evaluation of impacts.

Alternatives Analysis

The alternatives analysis included in the supplement did not mention an option that would reconfigure the spent fuel pools to the low-density configurations for which they were originally designed. Current high-density racking greatly increases the probability of fire or explosion in the spent fuel pools whether caused by accident or terrorist attack. While not solving the waste accumulation problem, we think reconfiguring the fuel pools is a prudent, safe, and logical option that should be given serious consideration.

More Threat Scenarios are Needed

The EA rules out credible threat scenarios that could cause significant environmental damage by contaminating the environment. The EA creates the appearance of compliance with NEPA's requirements to consider reasonably foreseeable catastrophic impacts even if their probability is low by claiming to consider all "plausible" attack scenarios. But the EA clearly fails to consider credible scenarios that could cause significant environmental damage. For instance, the EA fails to consider attack scenarios in which penetration of a spent-fuel canister is accompanied by the use of an incendiary device to ignite the zirconium cladding of the spent fuel. It should include a detailed description of a wide range of potential attack scenarios and in which several canisters could be affected. These details could be available to persons cleared to receive such information.

Need for Source List to Independently Evaluate Unsubstantiated Conclusions

The EA also fails to identify the key documents on which it relies, thus making it impossible for any party to verify the appropriateness of its reliance on those documents. In violation of Council on Environmental Quality (CEQ), the EA fails to identify the scientific and other sources it relies on for its conclusion that the impacts of attacks on the Diablo Canyon facility pose no significant impact.

Failure to Identify Methodologies Used

Additionally, CEQ regulation requires an agency to "identify any methodologies used" in its environmental analysis. In violation of this requirement, the EA fails to provide a clear description of the NRC's process for identifying plausible or credible attack scenarios and assessing the consequences to determine whether the consequences are significant. The EA does not describe any analysis that it did for the specific purpose of complying with NEPA. Instead, it describes an analysis that apparently took place in 2002, long before the Ninth Circuit's decision, and that apparently was based on compliance with NRC's AEA-based security requirements. The EA fails to clearly establish that the 2002 analysis was based on reasonable foreseeability of impacts under NEPA.

The EA for the Diablo Canyon spent fuel storage facility completely fails to demonstrate the NRC made a "fully informed and well-considered" determination of no significant impacts.

We urge you to consider drafting a full Environmental Impact Statement on this project. NEPA requires a full EIS be completed whenever there is a major federal action significantly affecting the quality of the environment. We believe that if a fair evaluation of the consequences of any accident or intentional act at ISFSI is completed then it will reveal that a full EIS is warranted in this case.

Sincerely,

Loulena Miles
Staff Attorney

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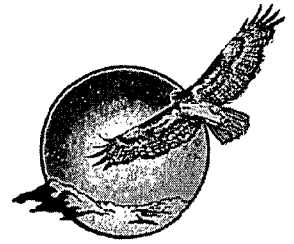
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Communities Against a Radioactive Environment

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Attn: James R. Hall
NRCREP@nrc.gov

*Peace Justice Environment
since 1983*

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Loulana Miles
Staff Attorney

Mail Envelope Properties (46899974.64C : 19 : 34380)

Subject: Comment on Diablo Canyon ISFSI
Creation Date Mon, Jul 2, 2007 8:33 PM
From: Loulena Miles <loulena@trivalleycares.org>

Created By: loulena@trivalleycares.org

Recipients

nrc.gov
TWGWPO01.HQGWDO01
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Files	Size	Date & Time
MESSAGE	9353	Monday, July 2, 2007 8:33 PM
TEXT.htm	11681	
SuppEAMo4Peace.doc	48128	
Mime.822	89263	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled