Arce, Jeannette

From: Iyengar, Raj
Sent: Thursday, July 07, 2011 10:28 AM
To: Arce, Jeannette
Subject: FW: NRC-2010-0267 - Potential Rulemaking on Spent Nuclear Fuel Reprocessing Facilities
Attachments: SRIC comment letter to NRC 7.6.2011.pdf

-----Original Message-----
From: Rulemaking Comments
Sent: Wednesday, July 06, 2011 4:19 PM
To: Iyengar, Raj; Sulima, John
Subject: FW: NRC-2010-0267 - Potential Rulemaking on Spent Nuclear Fuel Reprocessing Facilities

Comment No. 6

-----Original Message-----
From: Don Hancock [mailto:sricdon@earthlink.net]
Sent: Wednesday, July 06, 2011 3:19 PM
To: Rulemaking Comments
Subject: NRC-2010-0267 - Potential Rulemaking on Spent Nuclear Fuel Reprocessing Facilities

Attached are the comments of Southwest Research and Information Center (SRIC).

Thank you for your consideration and response to these and all comments.

SOUTHWEST RESEARCH AND INFORMATION CENTER
P.O. Box 4524 Albuquerque, NM 87196 505-262-1862 FAX: 505-262-1864 www.sric.org

July 6, 2011

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemakings and
Adjudications Staff
Washington, DC 20555

VIA EMAIL - Rulemaking.Comments@nrc.gov

Re: Comment on Docket ID NRC–2010–0267, NRC "Draft Regulatory Basis for a Potential Rulemaking on Spent Nuclear Fuel Reprocessing Facilities"

On June 10, 2011, the NRC published in the *Federal Register* the latest notice concerning development of regulations for future facilities engaged in the reprocessing of spent, or irradiated, nuclear fuel. This comment is in response to that notice.

Southwest Research and Information Center (SRIC) is a 40-year-old nonprofit organization that has decades of experience regarding nuclear waste, uranium development, and related issues. SRIC has participated in many NRC proceedings. These comments are in addition to those made by Don Hancock of SRIC at the NRC public workshop on this rulemaking, held in Albuquerque, New Mexico, on October 19-20, 2010.

1. <u>SRIC continues to strongly oppose the development of new regulations for reprocessing plants as there is no need to develop regulations for facilities that will not be pursued, and should not be built</u>.

SRIC requests a decision by the Commission to not proceed to rulemaking for new reprocessing plant regulations. The current process can thus be terminated when the staff concludes its work in September, 2011.

There is no evidence that reprocessing plant(s) will be pursued in the United States in the next few years. The Global Nuclear Energy Partnership program, which promoted reprocessing, has been terminated. The likelihood of billions of dollars of congressional appropriations needed for new reprocessing plants appears non-existent during a time of rhetoric and action to "cut federal spending." Similarly, the Obama administration has not included funding for reprocessing plant(s) in its budget requests.

Of course, there also is strong opposition by SRIC and many other groups to reprocessing. The historic U.S. experience of reprocessing for nuclear weapons has created massive environmental

and human health problems at Hanford, WA; Savannah River Site, SC; and Idaho National Laboratory, ID. Commercial reprocessing at West Valley, NY also was an economic and environmental failure.

Thus, there is strong public opposition to reprocessing, which, along with the economic costs, further decreases the likelihood of reprocessing plant(s) being developed. Therefore, the rulemaking is unnecessary and a waste of the Commission's resources.

2. SRIC believes that development of a single set of regulations to cover all aspects of reprocessing is neither possible nor desirable.

A reprocessing complex would have a host of functions, likely including spent fuel storage in dry casks and in pools, reprocessing, waste management and disposal, noble gas capture and containment, materials storage, and fuel fabrication. A single set of new regulations will be both insufficient to cover all possible functions and processes, and many of those functions are covered by other NRC regulations that should not be changed to accommodate a new facility.

3. SRIC believes that NRC should focus its resources on completion of its reclamation and restoration responsibilities related to existing problems at the uranium facilities on the "front end" of the nuclear fuel cycle where groundwater contamination above standards remains more than 30 years after contamination was discovered.

Examples of those problems include lack of adequate cleanup at uranium facilities that were licensed by the Commission, including the Homestake (now owned by Barrick Gold) and Churchrock (now owned by GE) sites in New Mexico. Communities in the vicinity of those and other uranium facilities are affected by ground water and air contamination that the Commission, and other agencies, should better address.

Regarding Homestake:
NRC should finalize and issue for public comment and opportunity for hearing a revised Corrective Action Plan (CAP) for groundwater reclamation. Since the CAP will be a major amendment of the Homestake license, NRC should initiate a concomitant National Environmental Policy Act (NEPA) process that fairly and thoroughly examines all alternatives for groundwater reclamation, including moving the unlined large tailings pile from its current location on top of the San Mateo Creek alluvial aquifer.

Regarding Churchrock:
Pursuant to NRC's authorities under the Atomic Energy Act, 10 CFR 40 Appendix A, and NEPA, conduct a geotechnical evaluation of EPA Region 9's proposal to place upwards of 1 million cubic yards of uranium mine wastes on top of the tailings and report the findings. Include in this evaluation the feasibility of constructing new, lined disposal cells for both the existing mill tailings and mine wastes from several abandoned mines mines located within 10 miles of the site and of removing groundwater contaminants resulting from tailings seepage prior to placement of additional waste material. Conduct a thorough NEPA analysis of the proposal, subject to opportunities for public comment and hearings.

Thank you for your consideration of, and response to, these and all other comments regarding this rulemaking.

Yours truly,

Don Hancock