

**PR 50  
(76FR34007)**

**Center for Health, Environment and Justice\* Citizens Awareness Network\*  
Citizens Awareness Network - New York \* Citizens' Environmental  
Coalition\* Coalition on West Valley Nuclear Wastes\* F.A.C.T.S. - For a  
Clean Tonawanda Site\* Indigenous Womens Initiatives\* New York Public  
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July 7, 2011

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

July 13, 2011 (3:35 pm)  
OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Re: Comments on Docket ID NRC-2010-0267 NRC "Draft Regulatory Basis for a  
Potential Rulemaking on Spent Nuclear Fuel Reprocessing Facilities"**

Dear Secretary,

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 and is being submitted for the record.

The Nuclear Regulatory Commission has a single priority now: assuring that 104 nuclear reactors in the US are safe now and in the future. This means overcoming many problems associated with poor siting, aging equipment, increasingly crowded spent fuel pools, flammable insulation and thousands of weakened safety standards, that are currently unknown, because there is no written record.

**HALT REPROCESSING RULEMAKING NOW!** Proceeding to rulemaking related to reprocessing at this time is irresponsible in the extreme. Reprocessing has been a dismal failure worldwide. There is no directive or law directing NRC to undertake rulemaking related to reprocessing. We recommend that NRC devote its limited energies to its utmost priority--the safety of nuclear reactors and halt any consideration of writing regulations for reprocessing.

Further, the NRC itself admitted in 2002 that the only commercial reprocessing site in the US which only operated for 6 years at West Valley, NY, could not be cleaned up to meet the NRC's License Termination Rule requirements (10 CFR 20 subpart E) and would require "flexibility" in its closure and license termination plans. There has been NO commitment to FULL clean up of that site despite its threat to the downstream Cattaraugus Creek (which flows through the Seneca Nation of Indians territory) and Great Lakes, due to potentially massive erosion and other factors.

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For forty years since Nuclear Fuel Services walked away from the site, federal and state governments have been trying to figure out what to do with the dangerous wastes remaining at the site. The communities around and downstream/downwind of the West Valley nuclear waste site are being asked to wait while more studies are done but there is no commitment to removal of the high level radioactive waste or the so-called "low-level" radioactive waste including much of the Greater than Class C waste in the country. Radioactivity is already spreading.

Funds have been cut for the West Valley cleanup. Despite a GAO report that recommended increased funding in 2001 --above \$130 million- today we are scheduled to receive just less than half that amount at \$60 million per year. At this rate the Phase 1 cleanup will take 27.5 more years just to clean up 1% of the buried waste on site. According to DOE it would cost in the range of \$9 to \$10 Billion to clean up West Valley--which of course still means that final repositories for high-level, low-level and GTCC waste will be needed.

Reprocessing actually creates increased quantities of hazardous materials as we have seen at West Valley. If reprocessing was so simple and as benign as the term "recycling" implies, then why hasn't the government fully cleaned up this site and demonstrated the success of reprocessing?

If this nation cannot demonstrate the success of reprocessing or at the very least ensure the clean up of historical messes related to reprocessing, then the Agency has no business entertaining any notion that reprocessing should be undertaken again.

Reprocessing in the United Kingdom has been an abysmal failure; Russia continues reprocessing with no use of separated plutonium, and all European countries have now withdrawn from reprocessing in France. France reuses little of the contaminated uranium removed via reprocessing, and that the \$20 billion Japanese reprocessing plant Rokkasho has failed to start after more than two years of attempts. The disastrous U.S. experience with commercial reprocessing at West Valley, New York from 1966-1972 was a total failure which contaminated the environment and resulted in a multi-billion dollar clean-up program that is still proceeding, revealing that the NRC must guarantee that all costs of operation, clean-up and potential accidents must be guaranteed by license holders. These costs must not be subsidized or shifted onto taxpayers.

#### Use of Long Term Disposal Funds

There has been some discussion about using the funds set aside for long term disposal and management of high level waste to fund this reprocessing venture. We find this idea particularly outrageous. If these funds are to be tapped at all for something other than their original purpose, we recommend against their use for reprocessing. It would be safer and more responsible to put spent fuel from reactors in hardened on-site storage than to embark on reprocessing again.

#### With NO Use for Products of Reprocessing (Plutonium separation), we would be spending a lot of money to create more nuclear waste

Plutonium fuel or Mixed Oxide Fuel -- the product of commercial reprocessing -- is much more dangerous, harder to control in a reactor than uranium fuel and twice as deadly compared to uranium in case of a major reactor accident. The increased hazard is because there is both more plutonium in the reactor core, and also more of the heavier-than-plutonium elements -- all of

which are more toxic and more carcinogenic than what has caused enormous suffering in the areas impacted by Chernobyl, and likely Fukushima. There is no established national policy to use plutonium fuel on a wide-spread commercial basis and the Department of Energy's MOX program is facing many hurdles as no reactors have been identified to use the fuel and DOE has refused to reveal the decade-long testing program that will be needed to test MOX in reactors owned by the Tennessee Valley Authority.

A Full Environmental Impact Statement is essential before rulemaking.

It is incumbent upon the NRC to do a full-scale analysis under the National Environmental Policy Act (NEPA) - a Programmatic Environmental Impact Statement - from "cradle to grave" BEFORE embarking on a rulemaking. The overall consequences of reprocessing and associated facilities and processes as it relates to the entire nuclear fuel cycle must be analyzed first. Likewise, as the pursuit of reprocessing regulations could stimulate interest in a questionable technology, the NRC must take a "hard look" at the consequences of encouraging reprocessing/separation of plutonium in the U.S. The NEPA analysis should be programmatic and examine all aspects of this activity -- including implications for the taxpayer, the ratepayer, waste management, the environmental impacts at every step and the international ramifications on the global fuel cycle as well. The overall issue of international proliferation of nuclear weapons materials is appropriate to include in the full public debate and should be included in this analysis.

We recommend that the NRC halt any rulemaking related to reprocessing. The term recycling should never be used in relation to reprocessing. Recycling is largely a benign activity that removes materials from the waste stream for reuse. Reprocessing creates increased amounts of hazardous and contaminated materials, for which there is no safe use.

Thank you for your attention.

Sincerely,



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## Rulemaking Comments

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**Sent:** Thursday, July 07, 2011 4:39 PM  
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**Subject:** Re: Comments on Docket ID NRC-2010-0267 NRC "Draft Regulatory Basis for a Potential Rulemaking on Spent Nuclear Fuel Reprocessing Facilities"  
**Attachments:** Reprocessing Comments to NRC 7.7.11.docx

Please reply to acknowledge the receipt of these comments.

Thank you.

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