

## ESTOutreachCEm Resource

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**Sent:** Wednesday, June 27, 2012 6:05 PM  
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**Subject:** Nye County, Nevada, Nuclear Waste Repository Project Office (NWRPO) Comments on NRC Draft Report for FSME-12-042  
**Attachments:** 12-075 Nye County Nevada Nuclear Waste Repository Project Office (NWRPO) Comments.pdf

Please see attached comments from Nye County, Nevada, Nuclear Waste Repository Project Office (NWRPO). These comments pertain to the NRC Draft Report, "*Identification and Prioritization of the Technical Information Needs Affecting Potential Regulation of Extended Storage and Transportation of Spent Nuclear Fuel, May 2012*" (FSME-12-042)

Please contact our office if you have any questions.



*Thank you,*  
***Elizabeth Enriquez***

*Administrative Secretary*  
***Nye County NWRPO***  
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## **Nye County**

### **Nuclear Waste Repository Project Office**

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12-075-DL (L)

June 25, 2012

Nye County, Nevada, Nuclear Waste Repository Project Office (NWRPO) Comments on NRC Draft Report for Public Comment, *“Identification and Prioritization of the Technical Information Needs Affecting Potential Regulation of Extended Storage and Transportation of Spent Nuclear Fuel, May 2012”*

#### **Overarching Comments:**

1. This plan is for a period many decades, and perhaps centuries, into the future. As such, it is inconsistent with a recent court ruling regarding the deficiency of the current Nuclear Regulatory Commission (NRC) waste confidence decision. The ruling states:

“We further hold that the Commission’s evaluation of the risks of spent nuclear fuel is deficient in two ways:

- First, in concluding that permanent storage will be available “when necessary,” the Commission did not calculate the environmental effects of failing to secure permanent storage—a possibility that cannot be ignored.
- Second, in determining that spent fuel can safely be stored on site at nuclear plants for sixty years after the expiration of a plant’s license, the Commission failed to properly examine future dangers and key consequences.”

2. Current dry cask storage systems for used nuclear fuel are very large and will require repackaging for disposal. The Yucca Mountain disposal program was predicated on the disposal of very large containers, possible because of the unique capability of Yucca Mountain to allow emplacement of such containers via a gently sloping ramp under the mountain. The Yucca Mountain program also included large Transportation, Aging, and Disposal canisters (TADs) that could be direct disposed, but neither the current / planned inventory of large storage canisters or TADs will be directly disposable in any other repository than Yucca Mountain. This means that repackaging into much smaller canisters before disposal will be required.

Because of this repackaging requirement, it is imperative that NRC maintain its requirement for the cladding integrity and retrievability of used fuel in storage canisters – especially since storage for more than 100 years and repackaging (perhaps multiple rounds of repackaging) will be required with the abandonment of the Federally mandated Yucca Mountain repository.

3. The Yucca Mountain Final Environmental Impact Statement included a no-action alternative that assumed repackaging of used fuel in dry storage would be required every 100 years if a repository was not available. Apparently, the NRC now believes such a no action scenario is foreseeable. In addition to the technical study of long-term extended storage, detailed technical and cost studies of

extended storage are necessary to provide necessary information to Congressional decision makers and other stakeholders. These studies of extended storage must analyze the cost and impacts of repackaging including worker exposure, disposal of used containers, etc. The acceptability of such costs and impacts should not be merely assumed.

**Specific Comments:**

1. p. iv, Executive Summary, paragraph 1 – This opening paragraph states the Commission is planning these technical studies “in expectation of continued use of dry storage for extended periods of time . . . over periods beyond 120 years.” This has several direct unacceptable implications. First, this must mean that the Commission does not expect a nuclear waste repository to be available for at least 120 years. Without a repository, a logical conclusion that follows from this is that, the Commission does not have confidence that a repository will be available “when necessary” as stated in its most recent waste confidence decision. With the NRC abandoning the Yucca Mountain Repository licensing process, and absent Congressional direction on how to proceed, the Commission cannot possibly know what will happen to used nuclear fuel. Clearly this is an unacceptable set of circumstances.
2. p. iv, Executive Summary, paragraph 3 – This paragraph states the period of evaluation beyond 120 years could be up to 300 years. The statement is made that, “this period is defined for analytical purposes only, and does not imply that storage is anticipated for any particular period.” The preceding statement is unbelievable. Clearly, the Commission believes storage for at least 120 years will be necessary or the proposed technical studies would not be necessary.
3. p. v, Executive Summary, list of assumptions – The assumptions listed are reasonable and the constraints assumed in the study should not be lessened, particularly in light of the fact that the ultimate disposition of used nuclear fuel is totally unknown. Specifically, the assumption should be retained that, “current regulatory requirements for cladding integrity and ready retrieval of spent nuclear fuel assemblies during storage apply for extended storage.” Any exception to such requirements should only be considered if, as part of an ultimate disposal solution, cladding integrity and retrieval are not required. For example, the Transportation, Aging, and Disposal canisters (TADs) proposed for Yucca Mountain could be considered for such an exception because cladding integrity is not assumed and there is no intent to retrieve the fuel in the TADs before disposal emplacement.
4. p. 1-1, Introduction, Section 1.1, paragraph 2 – It is stated that the basis for the current licensing and safety findings regarding “low burnup SNF” are based on technical studies of 15-year-old low burnup fuel. The Commission’s most recent waste confidence decision regarding the safe storage of SNF for at least 60 years beyond reactor operating life is purportedly based on these same studies. Nye County applauds the NRC for planning studies of higher burnup older used nuclear fuel because we view the current technical basis for the waste confidence finding as inadequate. Results of the planned studies should have been available before the current Commission declaration in that waste confidence finding.
5. p. 1-2, Section 1.2, last paragraph – It is stated, “In addition, the data will be used to support NRC evaluation of aging management plans provided by ISFSI licensees as part of applications for license renewal.” This appears to be the real urgency for beginning the proposed technical studies within the next few years. The current Commission declaration

regarding safe storage for at least 60 years after reactor operating life needs a technical basis that does not yet exist. Otherwise, the results of the planned studies would not be necessary for many decades into the future and would not be necessary at all if a used fuel repository program is operating before then.

6. p. 1-2, Section 1.3, last paragraph on page – It is stated that, “...the staff is currently re-examining the role of cladding integrity and alternate design solutions in the licensing of storage casks as part of its ongoing efforts to re-examine the regulatory framework for extended storage and transportation.” NWRPO urges the NRC to retain the current regulatory requirements for cladding integrity and retrieval. The only exception should be for implementation of a specific disposal option that does not require cladding integrity or retrieval from the storage canister.
7. Sections 3 and 4. NWRPO applauds the NRC staff in its thorough and well thought out prioritization of technical information needs. NWRPO offers no suggestions for improvement.
8. Section 5. Again, the NRC technical staff is to be applauded. NWRPO agrees with the NRC staff prioritization for further research regarding used nuclear fuel. The results will prove useful and necessary in determining whether storage licenses can be extended over the next 60 to 100 years. They may also be necessary if a used fuel disposition program is not in operation within the next 80 years.
9. Section 6. NWRPO agrees with the NRC staff conclusions except we believe the study results will be at least as useful to determining the safety of storage licenses over the next 100 years as they will be for longer periods.

Thank you,  
  
Darrell Lacy, Director  
Nye County NWRPO