

## Rulemaking1CEm Resource

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**Sent:** Tuesday, November 19, 2013 4:21 PM  
**To:** Rulemaking1CEm Resource  
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**From:** Patricia Borchmann <[patricia.borchmann@yahoo.com](mailto:patricia.borchmann@yahoo.com)>  
**To:** Wittick, Susan  
**Sent:** Mon Nov 18 18:53:06 2013  
**Subject:** Public Comment - NRC Meeting in Carlsbad

Susan Wittick - NRC

Thank you for confirmation.

fyi - sending digital file w/my personal comments for NRC Commissioners at tonight's meeting. If possible, please forward digital file comments to Commissioners before Public Meeting?

My Personal Opposition to NRC's Proposed Generic EIS, and Proposed Rulemaking for Storage of Nuclear Waste in Southern California Communities (San Onofre SONGS)

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November 18, 2013

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**RE: Public Comments – OPPOSITION to NRC’s Proposed Generic Draft EIS, and Proposed Rulemaking on Storage of Nuclear Waste in Southern California Communities (SONGS)**

**Nuclear Regulatory Commission Chair Allison MacFarlane, and NRC Commissioners:**

As a resident of Escondido, CA., I am among at least 8.4 million other highly vulnerable citizens located within 50 miles of San Onofre (SONGS) reactors, who would realistically be exposed to far greater public safety risks, as well as being unwilling victims of a much more probable catastrophic scenario than the extent which was projected, analyzed, and used as the basis in NRC’s Proposed Generic Assessment of Risks of Storing Nuclear Waste in Our Communities, and NRC’s Proposed Rulemaking.

It’s extremely important for NRC to recognize that conditions in reactor communities surrounding San Onofre (SONGS) are **extremely UNLIKE** the conditions assessed at the two nuclear reactor sites in rural, or low population areas where impacts of spent fuel pool fires, and a series of other significant public safety risks were either analyzed generically in NRC’s proposed Draft EIS, or where large quantities of high burn-up spent fuel risks were unanalyzed, or ignored, or where spent fuel assemblies here are stored in spent fuel pools with overly dense fuel assembly rack configurations containing 4 or 5 times greater volume of spent fuel than the design basis, conditions which are more prone to pool leaks, cause thermal irregularities, and require greater separation and cooling for safe storage.

In contrast, the population density of communities surrounding San Onofre (SONGS) in southern California are **much more similar** to the high population communities surrounding New York’s Indian Point reactors. In 2012 New York’s Attorney General Eric T. Schneiderman successfully led the legal challenge to NRC’s Temporary Storage Rule, because he believed that **‘communities that serve as de facto long-term nuclear waste repositories deserve a full and detailed accounting of the environmental, public health, and safety risks.**

In 2012, a federal circuit court agreed with Attorney General Schneiderman that federal law requires NRC to complete a thorough analysis of public health, safety and environmental hazards such storage would pose before allowing long-term storage of nuclear waste in communities. In reaching its decision, the circuit court found the spent nuclear fuel stored on-site at nuclear power plants “poses a dangerous, long-term health and environmental risk”.

Another important finding which NRC must recognize is the similarity between San Onofre (SONGS) and the 2012 case led by New York Attorney General Eric Schneiderman, where he faulted NRC for assuming, with no factual basis, that all nuclear waste will be removed from nation’s nuclear power plants by 60 years after plants are closed. Since there is no available

off-site storage location to store high-level nuclear waste from these facilities, the DGEIS fails to meet requirements of circuit court's ruling, by making decisions based on "unsubstantiated hope" that sufficient, licensed off-site radioactive waste storage capacity will be available to accept nuclear plant waste within 60 years. The same conditions exist here in southern California, where use of high burn-up fuel is also ignored.

**Experts Agree NRC should Ignore Staff Recommendation and Follow NRC Chair's 2003 Call to Curb Risk of Nuclear Reactor Pool Fire Catastrophe, noting that Reactor Fire Danger is Far Greater Than Reactor Meltdown.**

A Press Release by Alex Frank ([afrank@hastingsgroup.com](mailto:afrank@hastingsgroup.com)) indicated that NRC Chair Allison MacFarlane and two co-authors prepared an important 2003 Report (Dr. Gordon R. Thompson and Robert Alvarez); "Reducing the Hazard from Stored Spent Power-Reactor Fuel in United States, Science and Global Security, 11:1-51 2003). In this 2003 Report, authors acknowledge the danger of a terrorist attack, and warned effects of a pool fire could be worse than the Chernobyl accident. The paper further proposed that "to reduce both consequences and probability of a spent-fuel pool fire, all spent fuel should be transferred from wet to dry storage within five years of discharge".

Now a decade later after the Fukushima disaster, NRC is about to decide whether to require licensees to halt their use of high-density spent fuel pools, and instead use open-frame pool storage combined with dry storage, which would significantly decrease risk of a pool fire. Unlike reactors, spent fuel pools are not protected by a containment dome or structure to prevent escape of radioactivity, and are not required to have independent redundant cooling.

Dr. Thompson recently indicated (October 2, 2013), that NRC staff is proposing to rely on a "Draft Consequence Study" to recommend against expediting transfer of spent fuel out of high-density storage pools into low density open racks and dry storage. But the Draft Consequence Study is totally inadequate for that purpose, because it is too narrow in scope, and because it lacks scientific rigor or integrity. The Draft Consequence Study should be scrapped, and NRC should start again with an actual science based study of pool fire risks.

NRC admits that storing spent fuel in dry casks pose far less hazards. However, NRC staff argues that a switch to dry storage would impose a major expense for America's again reactor fleet, now facing stiff competition from other electricity sources.

As recently as October 2, 2013, these two expert co-authors just recently reaffirmed the following findings from the 2003 Report co-authored by Chair Macfarlane:

- In it, NRC chair joined the view that terrorist attacks are a significant threat to fuel pools, but the Draft Consequence Study does not consider that threat.
- Chair Macfarlane joined the view that consequences of a pool fire are so great that NRC should not forego action based on probability calculations alone.
- Chair Macfarlane joined the view that NRC should take steps to reduce density of fuel stored in pools.
- Chair Macfarlane joined the view that NRC should be held accountable for failure to take action on risks posed by pool fires.

Another credible new unanalyzed threat should receive scrutiny in an updated, more rigorous scientific analysis, which consists of the possible designation for San Diego as a new 'drone testing' facility. While 'drone analysts' might believe that designating San Diego as a new drone testing facility poses minimal, or no risk(s), I am unconvinced, and I have requested County of San Diego Board of Supervisors to reevaluate that recent action.

**A Generic Environmental Impact Statement (GEIS) is NOT acceptable for California !**

California's nuclear waste is sited on an eroding coastline, in tsunami zones, and is exposed to a highly humid and corrosive coastal environment. NRC's NUREG/CR-7030 states "atmospheric corrosion of sea salt can lead to stress corrosion cracking within 32 and 128 weeks in austenitic (corrosion resistant) steel canisters".

It would be impossible to evacuate the millions of people living near California's Waste. Of the 34 million people in California, over 8.5 million reside within 50 miles of San Onofre !!

A radiological disaster impacts the nations, and world's security, economy, and food supply. California is the eighth (8<sup>th</sup>) ranking economy in the world, virtually tied with Italy and Russian Federation, larger than Canada, Australia, and Spain.

More than 40 percent of containerized imports enter the country through California ports. A radiological release from San Onofre would destroy public infrastructure, and disable Ports of Long Beach, Los Angeles, and possibly San Diego, causing irreversible economic damage at a local, regional, statewide, national, global scale.

California produces nearly ½ of US grown fruits, nuts, vegetables. Californias remained the number one state in case farm receipts in 2011, with \$43.5 billion in revenue representing 11.6 percent of US total. US customers regularly purchase several crops produced solely in California.

San Onofre is located adjacent to the primary vehicle transportation artery between Los Angeles and San Diego (I-5), and one of the largest military installations (and targets) on West Coast (Camp Pendleton).

**Other pending current concerns:**

NRC is currently evaluating Edison's requested use of a new dry cask system that crowds 32 fuel assemblies into the same space that currently holds 24 at San Onofre. This new system will increase risk of dangerous radiation releases into the environment. Use of High burn-up fuel at San Onofre requires more storage space between fuel assemblies due to higher heat, higher radioactivity, and instability. (RWMA Marvin Resnikoff, PhD.)

No transportation casks for high burn-up fuel are approved by NRC, so waste cannot be relocated. Insufficient data exists to approve dry casks for over 20 years . (per NRC Robert E. Einziger, PhD, <http://1.usa.gov/15E8gX5>).

High burn-up fuel has unresolved serious waste storage issues. A June 2013 Department of Energy Report states: "...cladding performance issues need to be addressed before this fuel can be loaded into dry casks and transportation systems", and "burnup rates as low as 30

GWd/dMTU can present performance issues including cladding embrittlement under accident conditions as well as normal operations. San Onofre now has 1,123 high burn-up fuel assemblies (which require a longer minimum of 15 years of cooling in spent fuel ponds ). (DOE FCRD=NFST-2013-000132, Rev.1; /Fuel Cycle Research & Development-Nuclear Fuel Storage and Transportation 2013,-000132, Rv.1, 6/15/13  
<http://222.hSDL.org/abstract&did=739345/>)

The projected Scope of Decommissioning Project, and Decommissioning Costs are currently still preliminary, only in early stages being prepared by SCE, or considered by CPUC, CEC, and NRC, and **are still largely UNCERTAIN. It is important that NRC will require Licensee to fully perform Decommissioning at SONGS in safest, most reliable method, the most “in Public Interest” method possible, and not necessarily the least expensive for Licensee (SCE), contractors, or subcontractors. Timing of NRC actions should be more carefully coordinated with action(s) also pending with CPUC, CEC, California Coastal Commission.**

**For reasons stated by the public, and safety advocates, NRC should REJECT the proposed Draft Generic Environmental Impact Statement, and Proposed Rulemaking, and start over, with a more rigorous, full-disclosure analysis of potential impacts, with a Site Specific Environmental Impact Statement for San Onofre’s Storage of Nuclear Waste.**

**It is with greatest apprehension that citizens in southern California call upon all NRC Commissioners to fully perform your duty, and take action in the PUBLIC INTEREST, and for short and long term public health and safety, not necessarily in Licensee’s interest to protect their profit margin.**

**Thank you for your thoughtful consideration.**

**Patricia Borchmann**