WCRM-GEIS3CEm Resource

From: Riverkeeper [info@Riverkeeper.org] on behalf of Millicent Sims [menucha65@verizon.net]
Sent: Thursday, November 21, 2013 8:24 AM
To: RulemakingComments Resource
Subject: Docket ID NRC-2012-0246

Nov 21, 2013

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

ATTN: Secretary Rulemakings and Adjudications Staff,

The environmental impact statement the Nuclear Regulatory Commission prepared for its "Waste Confidence Rule" in response to New York v. NRC fails to take the required "hard look" at the future impacts of nuclear waste at U.S. nuclear reactors, including Indian Point, which is located just 35 miles from Midtown Manhattan in New York State.

The NRC's flawed environmental study is based on a number of unrealistic assumptions that must be reconsidered. These include the following:

- The NRC assumes that current regulations and oversight, and the current corporate ownership of each reactor, will continue indefinitely after the reactors are shut down, and will be enough to ensure that the waste is stored safely for thousands of years. By relying on this assumption, NRC has improperly failed to consider what impacts would occur if so-called "institutional controls" fail.

- The NRC assumes all the waste will be moved from the spent fuel pools into dry casks within 60 years of the reactors' permanent shutdown, despite the fact that NRC regulations allow plant owners to ask for an exemption from the 60 year cleanup requirement. Due to this unfounded assumption, NRC has inappropriately ignored the potential impacts of storing nuclear waste in unsafe pools, which are highly vulnerable to accidents and terrorist attacks, long-term.

- Instead of a strict risk/consequence approach, the NRC relies on a "probabilistic risk analysis" which allows it to underestimate the consequences of an intentional attack, based on its belief that the risk is extremely low.

- In NRC's view, because past spent fuel pool leaks have allegedly caused only minor impacts, NRC assumes that future leaks will "also" be "insignificant." As a result, NRC's has provided a grossly inadequate and incomplete impact assessment related to pool leaks. In addition, the NRC relies heavily on a purely voluntary industry initiative to justify its finding that future spent fuel pool leaks will be "handled" and "addressed" sufficiently.

In addition, NRC's draft EIS also fails to properly analyze all reasonable alternatives and all feasible mitigation measures that could reduce safety risks associated with on-site nuclear waste storage. For example, NRC has not considered, but should have, the possibility of not relicensing operating reactors so that no additional nuclear waste is produced. NRC has also improperly failed to examine how the expedited transfer of spent fuel from dangerously overcrowded pools to dry casks would substantially reduce safety and accident risks.

Importantly, the NRC should perform site-specific risk assessments and environmental impact statements for each U.S. reactor. The reason for this is perfectly exemplified by the Indian Point nuclear power plant, which is unique in several ways:

- Indian Point sits in a more densely populated area than any other U.S. plant, with more than 20 million people living within 50 miles.

- The plant sits adjacent and nearby to State designated significant fish and coastal wildlife habitats.

- Since at least the 1990s, radioactive toxins such as tritium and strontium-90 have been leaking from at least two spent fuel pools at Indian Point into the groundwater and the Hudson River. The pools at Indian Point are already compromised and are sure to continue causing environmental impacts in the future. For example, in January 2007 Strontium-90 was detected in four out of 12 Hudson River fish tested.

- Parts of New York City's drinking water supply, which provides 9 million New Yorkers with unfiltered drinking water, are less than 15 miles away from Indian Point.

- Indian Point sits at the intersection of two active earthquake faults; these faults could produce upwards of a 7.0 magnitude earthquake, which Indian Point was not initially built to withstand.

- Indian Point's spent fuel pools, which were never designed to hold the nearly 2,000 tons of toxic waste now stored at the plant, are highly vulnerable to terrorism and accidents.

It is clear that the nuclear waste stored at Indian Point poses a unique risk, which warrants site-specific examination.

It is imperative for NRC to conduct a legally sound and complete environmental review as mandated by the U.S. Court of Appeals. This review must not generically waive off critical risks and impacts associated with the prospect of centuries of nuclear waste storage and individual reactor sites, and must fully consider site-specific concerns, as well as all feasible alternatives and mitigation measures, including not licensing/relicensing plants in order to avoid the production of any additional waste, and requiring the expedited removal of spent fuel from pools and into dry casks to reduce safety risks of pool storage.

Thank you for your consideration.

Respectfully,

Ms. Millicent Sims
12 Roosevelt Pl
Montclair, NJ 07042-3316

Federal Register Notice: 78FR56775
Comment Number: 134

Mail Envelope Properties (24320229.1385040220638.JavaMail.www)

Subject: Docket ID NRC-2012-0246
Sent Date: 11/21/2013 8:23:40 AM
Received Date: 11/21/2013 8:23:49 AM
From: Riverkeeper

Created By: info@Riverkeeper.org

Recipients:
"RulemakingComments Resource" <RulemakingComments.Resource@nrc.gov>
Tracking Status: None

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