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

Subject: RIN 3150-AJ20; NRC-2012-0246 and GEIS

I commend the Commission for holding public hearings. As a citizen with many concerns about nuclear issues, I traveled a long way, to Charlotte, NC, to express some of these to you, in relation to spent fuel waste and your assessment and plans for it. Since being unable to testify at the Charlotte hearing, I am submitting the comments, below, for the record, on these matters.

As stated in the Background section in the Federal Register (September 13, 2013), the Commission's "reasonable confidence" decisions on safety of spent nuclear fuel, its current management and eventual geologic disposal, goes back all the way to 1977, reinforced by various later laws and regulatory actions. But in the nearly half-century since then, and fully seven decades since the problem was first created, we are not anywhere near a proper solution. We have only made it to yet another law, still to be passed, under which a "mission Plan" is to be produced on how to deal with the accumulated (and still accumulating) high-level and spent-fuel-waste byproducts of the way we produce a portion of our electricity.

In other words, nothing concrete toward a solution has been achieved in these many decades. The Commission simply, so far, has allowed generators to compress the spent fuel rods in the "temporary" on-site cooling pools to such extent that many of these now hold several times more than they were designed to hold.

Despite this dangerous overcrowding, the Proposed Rule states, quite cavalierly quite a few times, that the Commission "continues to support the . . . safe storage of spent nuclear fuel in spent fuel pools" until a repository becomes available. Though it mentions dry casks, it fails to acknowledge that by far the most of it – some 75 percent – is being kept in the overcrowded pools, very little in the much safer and more stable dry canisters.

For many reasons – and because we know of their far superior safety from the Fukushima and North Anna reactors – the Rule, as a minimal measure, should mandate a speedy transfer of all sufficiently cooled SNF waste to hardened casks.

The Rule reviews various efforts, internationally, in the quest for final repositories that are hoped to quarantine the deadly waste, without fail, for tens or hundreds of thousands of years into the future. It acknowledges the nearly five decades-long experience in Germany – so far still unsuccessful except for having gotten to a new public-hearings phase – toward a final repository there.

I suggest that the German government has drawn the right conclusion, largely as a democracy-honoring

response to safety concerns, and demands by the citizenry, for a transition to non-polluting and non-risky, renewable energy sources. It is shutting down the electricity generating plants that leave dangerous SNF waste behind. It is a model for energy policy I would like to see followed in the US, for many sensible reasons. As a start, therefore, keep the current, court-ordered moratorium in place. I urge the Commission to move from licensing or re-licensing nuclear-power generation to promotion of truly safe electricity from renewable sources.

The Commission acknowledges (p. 56778) that its “reasonable assurance” of completion of “one or more mined geological repositories ... by the years 2007-2209” was not materialized. Nevertheless, and despite this historic fact, the Rule repeatedly offers a new confidence conclusion – now of a “25-35 year timeline” -- for the needed repository capacity to be built. This seems unjustified on the face of it. Even more unjustified is another stated assertion: that the SNF could be safely kept at the reactor sites “for a total of 160 years” after reactors' operational licensed lifetimes, or even indefinitely if a repository were never built.

Propositions like these make the Rule as proposed quite unacceptable. They further undermine public trust in a safe solution for this intractable problem. They counteract, as well, the intent of Congress in the Nuclear Waste Policy law.

The Rule did not have the benefit of a full, comprehensive study of the potential public-health and environmental effects of long-term SNF storage at reactor sites, as mandated by the Court. Indeed, it implicitly acknowledges this (p. 56788): The DGEIS analyses are based only, it states, “on current technology and regulations,” instead of on detailed and rigorous scientific study, as the seriousness of the issue demands and as the Court has mandated.

The Commission should perform a new environmental impact study. This should reflect site-specific conditions and risks, such as from possible evacuation need where reactor facilities are in densely populated areas. It should comprehensively meet NEPA standards of scientific impact assessment of all resources and operations involved, such as water and its potential scarcity; fail-save, longer-duration off-site electricity provision for spent-fuel cooling in case of serious accidents; transportation hazards; aquatic and terrestrial species, and others.

Catastrophic nuclear accidents constitute an enormous, if not existential, menace for people in large areas around such facilities. The US has luckily – but barely several times – so far escaped these. Chernobyl and Fukushima demonstrate their horrific danger. In any possible such disaster, the SNF crowding in cooling pools creates large additional risks, which could be avoided through hardened dry-casking. The Commission's decision to “not [even] consider worst-case scenarios” (p. 55783) in the DGEIS is an unwarrantable omission. Important recent studies, such as by the New York Academy of Sciences and the French government's Institute for Radiological Protection have assessed and documented the almost unimaginably high human and environmental consequences and economic-damage costs in worst-scenario disasters.

Under the rapidly changing climate, we must expect more Superstorm-Sandy-like events, floods, wildfires, water scarcity, lengthy power blackouts and other “abnormal” weather related events which pose threats to nuclear facilities. The assumption underlying the stated decision – that natural events

and their consequences can still be “reasonably foreseen” many decades into the future – is indefensible today. A new EIS should analyze not only the potential damage effects from routine SNF storage leaks and other disturbances but also those which could befall in worst-case, catastrophic events.

One cannot but be struck by the Commission's stated opinion, based on the DGEIS, that any and all potential impacts of long-term HL and SNF storage, whether on-site at the reactors or elsewhere, are “small.” They are seemingly written off as being so minor that they will “not noticeably alter any attribute of the resource.” How “minor” to the Commission are the findings from studies of wildlife and flora in Chernobyl and Fukushima, published in dozens of refereed, respectable scientific journals? Those of similar studies which document widespread malformations in insect populations around nuclear plants in several countries in Europe? Those of highly increased thyroid abnormalities in children around Fukushima? Those of increased cancers among children living near nuclear plants, in northern Germany? How “small” is the damage if land is made uninhabitable for hundreds of years, of people losing home and livelihood by the thousands, through major nuclear accidents?

Three Category 9 accidents have all occurred since 1979. Risk-quantification models which hold major-accident chances as so remote that they can be discounted are no longer defensible. Given the horrific damage to people and the environment such accidents can unleash, neither is the Commission's apparent safety-analysis focus on minimizing costs to the nuclear industry – see failure so far to mandate hardened dry storage – instead of assuring health- and environmental protection for the citizenry.

I urge that

- (1) the EIS be redone, with comprehensive and site-specific analysis of the conditions, problems, and risks associated with different reactor locations;
- (2) to-be-expected worst-scenario nuclear accidents be included in new EIS analyses;
- (3) the Court's moratorium on licensing or re-licensing of reactors be kept in place;
- (4) the eminent wisdom of not continuing a problem for which no solution exists be followed, i.e. that the generation of toxic and infinitely radioactive waste, through nuclear-power generation, be terminated as soon as possible;
- (5) spent-fuel transfer to hardened dry casks, not transport to “interim” storage sites, be incorporated in the final Rule;
- (6) a new, final Rule squarely place into its central focus all matters of public safety and health of our environment, not continued industry accommodation, convenience, and profit.

Thank you for accepting my comments.

Sincerely,



