

Rulemaking1CEm Resource

From: RulemakingComments Resource
Sent: Thursday, December 26, 2013 9:24 AM
To: Rulemaking1CEm Resource
Subject: FW: Comments re: Docket ID No. NRC-2012-0246
Attachments: Comments on USNRC draft Waste Confidence GEIS and Rule-122013.docx

**DOCKETED BY USNRC—OFFICE OF THE SECRETARY
SECY-067**

PR#: PR-51
FRN#: 78FR56775
NRC DOCKET#: NRC-2012-0246
SECY DOCKET DATE: 12/20/13
TITLE: Waste Confidence—Continued Storage of Spent Nuclear Fuel
COMMENT#: 00667

From: Bill Kinsella [mailto:wjkinsel@gmail.com]
Sent: Friday, December 20, 2013 2:55 PM
To: RulemakingComments Resource
Subject: Comments re: Docket ID No. NRC–2012–0246

Comments on U.S. Nuclear Regulatory Commission (USNRC) Draft Generic Environmental Impact Statement (GEIS) on Waste Confidence, NUREG 2157 and Draft Waste Confidence Rule

Docket ID# NRC–2012–0246

Dr. William J. Kinsella

3020 Sylvania Drive

Raleigh, NC 27607-3030

Dear USNRC Commissioners and Staff:

I am writing as a concerned U.S. citizen affected by the environmental, economic, and public health and safety risks associated with operating and closed nuclear power plants across the

nation. A problem at any of these plants has the potential to affect the entire nation, although adequate protection against such problems requires site-specific analysis and measures. As a resident of Raleigh, NC, I am particularly affected by the risks at the nearby Shearon Harris plant, which houses a massive inventory of used nuclear fuel posing clear and present radiological risks. Any transportation of those materials would entail further risks.

I am also concerned about the draft GEIS and Waste Confidence Rule from a more specialized perspective. As a social scientist specializing in issues surrounding energy and the environment I have followed the Waste Confidence public involvement process closely, including viewing multiple USNRC public meeting webcasts and reviewing related documents. My undergraduate and graduate-level training in physics as well as in the social sciences provides a foundation for my consideration of both the technical issues and the process issues. Issues of risk analysis and risk communication are of particular concern to me.

In terms of risk analysis, I am troubled by the epistemic uncertainties that fundamentally undermine any claim to adequately model and regulate systems as complex and hazardous as nuclear power plants, used fuel storage pools, interim storage sites, waste transportation infrastructures, and permanent waste repositories. Attempting to address any of these complex sociotechnical systems by way of a generic environmental impact analysis and a generic regulatory rule is grossly inadequate to the task. The specificities of particular sites are essential to understanding the risks. Without such specificity, the proposed regulatory framework is only a thin simulation; the risks are too great to leave the local particularities unexamined.

In terms of risk communication, it is a democratic imperative that parties affected by regulatory policies and practices be adequately informed, involved substantively in decision making, and influential (rather than simply included) in the decision process. I believe that the NRC has good intentions in this regard, and having served with a U.S. Department of Energy site-specific advisory board (Hanford site) I recognize the many difficulties that challenge efforts at robust public engagement. Nevertheless, the very legitimacy of the NRC is at stake, as is the legitimacy of the nuclear industry. The conversation I have observed in connection with the Waste Confidence public involvement process has been restricted to the “usual suspects”: the NRC, the nuclear industry, and a limited number of public interest groups that have technical resources and are able to make the necessary commitments of time and effort. The latter are grossly underrepresented in the conversation, and the result is a conversation that does not adequately represent the full range of public interests. This perennial problem is made worse by a generic approach to rulemaking and other regulatory procedures. Assessing sites individually, case by case, with broad-based participation by local communities is one way to address this disjunct between affected parties and parties engaged in the regulatory conversation.

I recognize that “efficiency” and “timeliness” are defined as priorities in the regulatory process; however, it is essential that these terms be understood appropriately. Efficiency needs to involve more than speed or cost-containment; it also requires that institutional goals are met adequately. In the case of the NRC, those goals are to protect people and the environment. Those goals may prove inconsistent with goals of promoting nuclear energy production or ensuring its profitability, but the latter are not part of the NRC mandate. Timeliness does not necessarily mean promptness; it means accomplishing the task in the time frame the task requires, as long as that might be. Accordingly, I disagree with the statement in the draft GEIS that the no-action alternative “is not consistent with Council on Environmental Quality guidance for achieving efficiency and timeliness under NEPA.”

I also disagree with the statement in section 1.6.3.1 that “the Commission has already established criteria that provide reasonable assurance of public health and safety and due consideration of environmental impacts in the construction and operation of nuclear power plants, including facilities for continuing storage of spent fuel.” Public interest groups and individual citizens have presented substantial evidence to the contrary at the recent Waste Confidence public meetings, but those concerns have not been incorporated into the draft GEIS. Numerous questions regarding seismology, fire safety, reactor safety, security against hostile parties, radiological hazard models, fuel storage configurations, storage of high-burn-up fuels, and other issues, all impinging on spent fuel storage and all requiring site-specific analysis, have been raised frequently and credibly but are dismissed in the draft GEIS.

On this basis, I wish to register my strong opposition to all the alternatives included in the draft GEIS. I believe the no-action alternative is the best of those included, but not sufficient, and I especially oppose the exclusion of an alternative that would continue the current moratorium on new reactor licensing and license extensions. I urge the USNRC to revise the draft GEIS to include the option for such an alternative, and in doing so to take full account of the issues that have been raised by citizens and public interest groups throughout the public involvement process.

Thank you for your attention to these comments and, in advance, for your commitment to protecting people and the environment without distraction by other influences.

Sincerely,

Hearing Identifier: Secy_RuleMaking_comments_Public
Email Number: 693

Mail Envelope Properties (377CB97DD54F0F4FAAC7E9FD88BCA6D0014433C4A0D3)

Subject: FW: Comments re: Docket ID No. NRC-2012-0246
Sent Date: 12/26/2013 9:24:17 AM
Received Date: 12/26/2013 9:24:18 AM
From: RulemakingComments Resource

Created By: RulemakingComments.Resource@nrc.gov

Recipients:
"Rulemaking1CEM Resource" <Rulemaking1CEM.Resource@nrc.gov>
Tracking Status: None

Post Office: HQCLSTR01.nrc.gov

Files	Size	Date & Time	
MESSAGE	6857	12/26/2013 9:24:18 AM	
Comments on USNRC draft Waste Confidence GEIS and Rule-122013.docx			16767

Options
Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

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William J. Kinsella, PhD