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**From:** Barbara [<mailto:warrenba@msn.com>]  
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**Subject:** Docket ID No. NRC-2012-0246

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

Re: Docket ID No. NRC-2012-0246 , Waste Confidence Draft GEIS & Proposed Rule

Please see attached Comments.

Sincerely,

Barbara Warren  
Executive Director  
Citizens' Environmental Coalition

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# Alliance for a Green Economy (AGREE New York)

## Citizens' Environmental Coalition

December 20, 2013

Comments sent via email to [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov)

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

Re: Docket ID No. NRC-2012-0246 , Waste Confidence Draft GEIS & Proposed Rule

These comments are being submitted on behalf of the Alliance for a Green Economy (AGREE) and Citizen's Environmental Coalition (CEC), a founding member organization of AGREE.

### **Background Introductory Statement**

**We have NO Confidence in the NRC's ability to safely deal with the enormous problem of nuclear waste. The federal government continues to promote nuclear energy and weapons, and given this reality we have NO confidence that the government is capable of a comprehensive plan to deal with the mounting problem of nuclear waste in a manner that sufficiently protects the public and the environment for millions of years and future generations.**

More than a half century ago, our government sold the public on the promise of "atoms for peace" and electricity that would be "too cheap to meter." At the time, there was fascination with our technological capability and as a result the government assured the public that nuclear waste would be a very simple problem to solve.

Today we have created approximately 70,000 tons of highly radioactive used nuclear fuel, and there is nowhere to dispose of it. By 2050 we will have twice that amount if we continue to operate our existing nuclear reactors, even if we build no new nuclear reactors. This quantity does not even include all the high level nuclear waste that is being handled by government agencies, especially the Dept. of Energy, at hundreds of sites across the country.

Nuclear Waste is the "Achilles Heel" of the Nuclear Industry. Each plant produces tons of extremely radioactive fuel. After 40 years of operation, a reactor can have 1,200 tons or more of this relatively useless, but lethal fuel stored on site. The long term management of nuclear waste is costly. It must be isolated from humans, their water and food supply, animals and the natural

environment. A few decades of power creates waste that is hazardous for more than a million years. This situation is clearly unsustainable over the long term. There is no safe dose of radiation. Radiation causes cancer and mutations in DNA, thus having the potential to impact the viability of future generations.

The Draft Generic EIS we were presented with starts with an enormous set of problems:

- Scientific and technological failure for more than 60 years to solve the "simple" problem of nuclear waste.
- The US stated preference for highly radioactive waste to be safely disposed in a geological repository.
- Enough nuclear spent fuel at present, 70,000 tons, to fill a Yucca Mountain sized repository.
- No geological repository anywhere in sight and by the time we identify and approve a single one, we will need two repositories. This estimate is based only on the existing reactors and no new ones producing more waste.
- An enormous backlog of spent fuel being stored on-site at nuclear reactors *temporarily* because there is nowhere else for it to go. In spent fuel pools, the assemblies are currently extremely overcrowded -- most pools handling 3 or 4 times the amount of spent fuel the pool was originally designed for. Eventually reactor operators are forced to store spent fuel on site in dry casks, when there is no more capacity in the pools.
- When reactors were licensed, no one envisioned — not the public, elected officials or reactor operators — that nuclear waste would be stored on-site for decades into the future.
- The Fukushima Dai-Ichi 2011 ongoing nuclear disaster presents especially significant issues regarding the dangers of spent nuclear fuel (not acknowledged in the GEIS).

During the summer of 2013, the NRC held public meetings on the scope of the GEIS. At one of those meetings, the NRC refused to discuss their safety analysis, which supposedly fed into the regulatory analysis. We now understand why. NRC did NO safety analysis.

Numerous members of the public have testified in public hearings to their lack of confidence in waste management by the nuclear industry and the NRC, including the con job they believe is being perpetrated on the public regarding this waste confidence activity.

A "con" can be a verb or a noun. As a verb it means to trick or cheat somebody dishonestly, by first convincing the victim of something that is untrue; in other words, to lie. As a noun it is a dishonest trick or ploy that takes advantage of somebody's trust. It can also be an argument against doing something or saying it should not be done.

The NRC faced a fundamental challenge when it was ordered by the court to study the environmental impacts of the failure to obtain a geological repository. Since the nation had determined that only a geological repository represented safe disposal, in the absence of one, how could the Agency deal with long term and indefinite storage of spent fuel? We now know the answer-- by limiting the analysis to situations of low impact, by using inappropriate assumptions, by rigging the analysis and the outcome, by misrepresenting the truth or lying, and by providing no scientific or factual support for the results.

The most obvious problem with the approach NRC adopted by the rigged analysis is that the nuclear industry continues to produce enormous quantities of nuclear waste. NRC refused to consider reducing or stopping the production of nuclear waste by limiting new permits. In fact, the federal government continues to subsidize the nuclear industry with millions of dollars. The primary purpose of an EIS is to examine environmental impacts, yet the Agency substituted another purpose for the EIS: to improve the efficiency of the licensing process. This will result in more applications, more reactors and more waste.

The end result of the faulty analysis in the GEIS is a determination that storage of nuclear spent fuel is incidental and has fewer impacts than reactor operations. Therefore, the agency concludes, long-term or indefinite storage poses no significant environmental impacts. The NRC also decided that the "density and concentration of spent fuel is outside the scope of the proposed action." p. 1-9. This issue is at the heart of the problem of producing more nuclear waste than the government or industry can handle. It is also at the heart of the potentially catastrophic impacts of dangerous storage in overcrowded spent fuel pools. Of course, NRC was the agency that determined the scope of the proposed action, and this circular reasoning explains nothing, while evading what was essential to evaluate if public safety were a priority.

#### Absence of Cost Analysis is Part of the Con

No detailed cost analysis was done in this GEIS except comparing costs of a generic EIS to multiple site-specific ones. The cost analysis should have compared the costs and benefits of a geologic repository to long term or indefinite storage at reactors or away from reactors. It should have included total transportation costs and costs of the repeated replacement of casks and transfer facilities every 100 years or sooner. In addition, there are the growing liabilities associated with lawsuits by reactor owners over the failure to take the waste off their hands. Taxpayers have a right to fully understand the growing liabilities associated with continued production of high level radioactive spent nuclear fuel that will have to be successfully managed forever.

A "confidence game" is a swindle or fraud in which somebody obtains something of value by gaining the trust of the victim and then betraying that trust.

The regulatory analysis provides part of the reason for the con. "[T]his regulation does not establish any requirements that would place a burden on licensees." (Fed Reg, 10 CFR Part 51

Waste Confidence Proposed Rule, Sept, 13, 2013 p.56803.) NRC's approach to the GEIS has ensured that reactor owners (licensees) will not be burdened at all. While most of us have focused our concern on the terrible treatment of health and environmental impacts, the reality is that if this draft GEIS is allowed to stand, this nation will never need a geological repository because the NRC has determined that there are no significant environmental impacts associated with indefinite storage of spent fuel at reactors or at independent installations. This is despite the fact that long term storage at reactors was never part of the original licensing process, and therefore not thoroughly evaluated.

**I. The Draft Generic EIS lacks the science and technical analysis usually found in environmental impact analyses. Instead the NRC continues to advance its own belief system-- its "confidence" in its ability to deal with nuclear waste, originally first expressed in 1984, but eventually struck down by the court in 2010 for the lack of analysis.**

Even the NRC belief system was undermined when 30 years after its original waste confidence decision, there is no geologic repository available and the agency is forced to revise its beliefs to include indefinite on-site storage of used nuclear fuel. Still nothing has really changed by the production of this GEIS. NRC is still operating with a belief system- "waste confidence"- that is divorced from reality and that has no scientific or technical support.

The draft GEIS claims that NRC did not identify any cooperating agencies and did not receive any formal requests. Yet NRC knows that DOE is charged with developing a repository and with management of hundreds of nuclear waste facilities and sites. There can be no excuse for the lack of involvement by DOE in the Waste Confidence GEIS, especially given the fact that DOE has identified close to 100 technical or data gaps associated with nuclear fuel storage and transportation. (DOE Review of Used Nuclear Fuel Storage and Transportation Technical Gap Analyses, 7/31/2012. <http://1.usa.gov/1bQr5xO> ) Not involving DOE is very convenient, when discussing these knowledge gaps might pose difficulties for an EIS.

The majority of the references in the GEIS are to NRC evaluations and assessments, in contrast to technical studies. We provided an important reference in our scoping comments that was not used for the GEIS. Of particular significance, the article was written by a team of authors, including Allison Macfarlane, the current NRC Chairperson. The entire article as well as other studies of spent fuel pools, such as the National Academy of Sciences study should have been used for the EIS analysis.

Alvarez, R. et.al., *Science and Global Security*, 11:1–51, 2003

*Summary*

"Because of the unavailability of off-site storage for spent power-reactor fuel, the NRC has allowed high-density storage of spent fuel in pools originally designed to hold much smaller inventories. As a result, virtually all U.S. spent-fuel pools have been re-racked to hold spent-fuel assemblies at densities that approach those in reactor cores. In order to prevent the spent fuel from going critical, the fuel assemblies are partitioned off from

each other in metal boxes whose walls contain neutron-absorbing boron. It has been known for more than two decades that, in case of a loss of water in the pool, convective air cooling would be relatively ineffective in such a “dense-packed” pool. Spent fuel recently discharged from a reactor could heat up relatively rapidly to temperatures at which the zircaloy fuel cladding could catch fire and the fuel’s volatile fission products, including 30-year half-life <sup>137</sup>Cs, would be released. The fire could well spread to older spent fuel. The long-term land-contamination consequences of such an event could be significantly worse than those from Chernobyl.

No such event has occurred thus far. However, the consequences would affect such a large area that alternatives to dense-pack storage must be examined—especially in the context of concerns that terrorists might find nuclear facilities attractive targets. To reduce both the consequences and probability of a spent-fuel-pool fire, it is proposed that all spent fuel be transferred from wet to dry storage within five years of discharge. The cost of on-site dry-cask storage for an additional 35,000 tons of older spent fuel is estimated at \$3.5–7 billion dollars or 0.03–0.06 cents per kilowatt-hour generated from that fuel. Later cost savings could offset some of this cost when the fuel is shipped off site. The transfer to dry storage could be accomplished within a decade. The removal of the older fuel would reduce the average inventory of <sup>137</sup>Cs in the pools by about a factor of four, bringing it down to about twice that in a reactor core. It would also make possible a return to open-rack storage for the remaining more recently discharged fuel. If accompanied by the installation of large emergency doors or blowers to provide large scale airflow through the buildings housing the pools, natural convection air cooling of this spent fuel should be possible if airflow has not been blocked by collapse of the building or other cause. Other possible risk-reduction measures are also discussed. Our purpose in writing this article is to make this problem accessible to a broader audience than has been considering it, with the goal of encouraging further public discussion and analysis. More detailed technical discussions of scenarios that could result in loss-of-coolant from spent-fuel pools and of the likelihood of spent-fuel fires resulting are available in published reports prepared for the NRC over the past two decades. Although it may be necessary to keep some specific vulnerabilities confidential, we believe that a generic discussion of the type presented here can and must be made available so that interested experts and the concerned public can hold the NRC, nuclear-power-plant operators, and independent policy analysts such as ourselves accountable.”

The full article discusses some of NRC's rationale for failing to act on the risks of spent fuel pools: “No established method exists for quantitatively estimating the likelihood of a sabotage event at a nuclear facility.”

Given that NRC is the sole government agency authorized to deal with nuclear facilities officially, it would be incumbent upon NRC to establish this method. The draft GEIS provided an opportunity for NRC to advance an appropriate method. .

The fundamental lack of science in the draft GEIS provides a substantive reason for it to be discarded and never used in the future by the NRC.

## **II. Loss of Institutional Control exists at many sites around the country and is strongly associated with a loss of public trust.**

In the background discussion above we reviewed briefly the history of the nuclear waste problem and the failure to find a scientific or technical solution. However, we only reviewed a portion of the problem- that pertaining to spent nuclear fuel. We did not discuss the hundreds of waste sites

across the country leaking and spreading radioactive contamination that impacts land, water and air as well as threatens nearby communities. There is an enormous inventory of poorly managed nuclear materials from the front end of the nuclear fuel chain to the back end. In most cases there is a federally responsible agency, often DOE, charged with site clean-up. Inadequate resources, poor management, other national priorities and lengthy delays have resulted in contamination that definitely should be described as the loss of institutional control.

We find this situation completely unacceptable, given that we are dealing with just decades of experience with nuclear waste, while NRC is assuming institutional controls will be in place indefinitely.

It is not necessary to lose an institution in order to have the loss of institutional control. All that is necessary is for the institution or government to be ineffective at carrying out its responsibilities. Therefore, it is not credible that NRC relied on the long term maintenance of institutional control in its GEIS analysis. In fact NRC stated that loss of institutional control is "so unlikely that it is a remote and speculative occurrence." (p. 56788 FR notice proposed rule) Our government made promises about the simple problem of nuclear waste, about nuclear waste repositories, and about nuclear safety. Government has failed at Hanford, at Savannah River, at West Valley and many other sites. How can so many problems be remote and speculative occurrences? These sites don't have long term multi-year cleanup funds. Each year funding must be allocated from the discretionary budget and lack of funding is frequently cited as the reason clean-ups are delayed and spreading contamination continues. In 2013, the US government shutdown as a result of budget disagreements in Congress.

We are citing the reality of nuclear waste facilities across the nation as examples of the current loss of institutional control. These failures are also a technically sound basis for the large amount of public mistrust that exists in this country around the potential for resolving nuclear waste responsibly.

**III. We Oppose the Proposed Action which is to adopt a rule incorporating the conclusions of the draft GEIS, ensuring that site-specific NEPA analyses of continued spent fuel storage and the associated environmental impacts are never adequately reviewed.**

The GEIS is a completely unscientific document. It is based on faulty assumptions and it avoided looking at the most significant environmental impacts. Therefore, it has absolutely no future value. The GEIS should be discarded as unscientific, inadequate for the stated purpose and unresponsive to the Court order. See our detailed discussion of GEIS failings in Section VII.



**IV. We support only the No Action Alternative, described in the GEIS for the following reasons:**

- The No Action Alternative is the only alternative that ensures that there will be site-specific analysis of continued storage of spent fuel. Site-specific information and analysis is essential to making sound decisions about safe storage of spent fuel.
- Other alternatives allow for NRC to substitute its judgment for detailed factual analysis
- This GEIS failed to thoroughly consider the changing climate generically and made unsubstantiated assumptions about the absence of impacts. Climate change impacts for specific regions, individual plants and certain effects are just beginning to be clarified. Site-specific information can better analyze potential climate change impacts and incorporate plans for safe storage.
- Lessons learned from Fukushima are only beginning to be addressed by NRC. Future site-specific analyses are the only means to ensure that these lessons will be incorporated into storage plans. The Near Term Task Force said, "NRC Inspection and licensing programs give less attention to beyond design basis requirements and little attention to industry voluntary initiatives since there are no requirements to inspect against. As a result the NRC gives much more attention to design-basis events than to severe accidents." (p. 19) The Task Force called for correction of the patchwork regulatory approach that consists of some requirements as well as voluntary industry initiatives. Spent fuel pools were identified as being in this regulatory patchwork with some safety related equipment and some equipment not identified as safety related. The potential for catastrophic harm from spent fuel falls into the severe accident scenarios that NRC has not given sufficient attention to. The Waste Confidence GEIS should have provided an opportunity to address the patchwork and to address severe accidents associated with fuel pools. Instead the NRC deferred this entire issue to the future, making the assumption that the entire regulatory structure remains the same. (p. 2-12 GEIS) NRC has requested additional information from licensees regarding spent fuel pools but has not yet received this information. The Fukushima lessons learned about spent fuel and any new analyses should provide information for site-specific environmental analyses in the future that this deficient GEIS cannot provide.

**V. The Court Decision called for an analysis of the environmental impacts of failing to obtain a permanent repository. ( State of NY, et. all., Petitioners v. NRC and the USA, Respondents, US Court of Appeals for the District of Columbia Circuit, June 8, 2012, No. 11-1045.) The GEIS rather than conducting the analysis called for by the court, instead merely adopted the position that few impacts would occur in the short term, long term and even indefinitely, because all this high level nuclear waste fuel would be adequately managed. This is not the analysis the court decision required.**

In general, the NRC has failed since its first Waste Confidence decision to establish a factual basis for its "confidence" instead it has regularly adjusted its timeline of when it believed waste would be handled by a permanent repository.

In 1984, spent fuel would be handled on-site for a maximum of 70 years. Forty years of the reactor license and 30 years beyond that when a repository would be available. The Commission finding included reasonable assurance that one or more repositories "will be available by the years 2007-2009." (Fed. Reg, Proposed Rule, Sept. 13, 2013, p.56778)

In 2008, the NRC assumed 40 years of the first license and 2 renewals-- 80 years and then 60 years of storage on site for a total of 140 years, double the estimate in 1984. Then NRC merely said a repository would be available when necessary.

The GEIS defines short term storage as 140 years. Long term storage is for another 100 years, a total of 240 years. Indefinite storage continues indefinitely to the future. None of this storage has any potential significant environmental or health impacts according to the NRC, despite the nature of the hazard. The GEIS like the Waste Confidence decision reflects an opinion or point of view with no substantiation.

**VI. The President's Blue Ribbon Commission (BRC) strongly recommended a process of involving the public and gaining their consent for the siting of nuclear waste facilities. Despite making reference to the BRC in the GEIS, the NRC's proposed action actually involves long term and even indefinite waste storage, while the public is excluded from any future involvement in these major decisions.**

- Original licensing decisions included a design basis for the spent fuel pool.
- Spent fuel pools in the US currently contain 3- 4 times the amount of spent fuel the pool was designed for.
- Original licensing decisions reflected reactor lifetimes of 40 years. Operating for double that time increases the amount of spent fuel generated and stored on-site.
- Over 50 years ago, government promoted nuclear energy by assuring the public that nuclear waste was an easy problem to solve. Instead the public has been

forced to accept ever increasing inventories of nuclear waste as the government's default position after failing to site a repository.

- In just 26 years, the NRC changed its predictions of interim on-site storage from a maximum of 70 years to 240+years +, including indefinitely.
- A repository is not yet sited and approved and yet we have enough waste today to fill a repository the size of the Yucca Mountain proposal, 70,000 tons. By 2050 even with no new nuclear reactors, we will need 2 repositories.

There is nothing in the draft GEIS or the rule that includes an appropriate opportunity for the public to be involved in decisions related to how on-site storage of spent fuel would be managed at specific sites and for what time periods. In fact NRC does not adequately describe the methods or protections that would be provided, instead deferring to licensees in a laissez-faire approach. This means that the proposed NRC process is not consent-based as the BRC envisioned. The public, local government agencies, elected officials and emergency responders deserve the opportunity to present any relevant information pertaining to the storage of large quantities of highly radioactive spent fuel on-site at reactors, its management and the safety issues of concern.

The NRC proposed action is the opposite of consent-based. With the proposed waste confidence rule, NRC is acting to prevent the public from having any role in matters that require transparency and public scrutiny in order to protect public safety.

**VII. The GEIS has a long list of significant problems and as a result it cannot be relied on as any kind of reference document for the environmental and public health impacts of spent nuclear fuel and its storage.**

- The deficiencies in the 2010 Waste confidence rule identified by the Court should have been the primary purpose of the GEIS-- environmental analysis of the failure to secure a repository, and of spent fuel leaks and of fires.
- According to the NRC, there is no potential for accidents, for release of radioactivity, for leaks that impact air or water quality, for adverse impacts because they are all under some sort of regulatory control. This view is factually and scientifically unsupportable. Under such a belief system, a grain silo would pose a more significant environmental impact than a highly radioactive spent fuel storage facility. As we have experienced in many different situations, regulatory control is not fool proof - airplanes and trains crash, industrial facilities explode, catch fire and release poisonous gases, food is contaminated and recalled, etc, etc.
- NRC decided that all nuclear fuel used at reactors is similar and therefore NRC did not discuss the significant differences in fuel as part of the GEIS. High burnup fuel is more radioactive and hotter, requiring a long time period in a spent fuel pool, approximately

twenty years. This obviously affects the ability to transfer the material to dry casks. NRC will not approve dry cask storage beyond 20 years and has not approved a transport cask for high burnup fuel. The Blue Ribbon Commission raised concerns about high burnup fuel and the need to monitor dry casks for their performance and degradation. MOX fuel includes plutonium in the fuel mix, a very different fuel that NRC also did not thoroughly evaluate.

- In almost every area of NRC selected environmental impacts, NRC looks at the wrong impacts or those least likely to be adversely affected. For example:

**Land Use** -- the GEIS describes the land used and disturbed by construction, the types of land-- forest, field, agriculture- and the buildings located there. Not analyzed are the potential consequences of a spent fuel pool fire and the vast area of permanent radioactive contamination that might necessitate evacuation and permanent abandonment of the land, as well as the related costs.

**Socioeconomic Impacts** -- the GEIS fails to consider the socioeconomic impacts of nuclear waste storage on property values and whether businesses will be interested in locating next to nuclear waste storage. Declines in property values also affect tax revenues.

**Demography** -- here the GEIS discusses populations around nuclear reactors and some of the recreational benefits provided by other resources nearby such as beaches and parks. No attempt was made to analyze the increases in population since reactors were originally licensed or how that might complicate emergency response and evacuation.

**Environmental Justice** -- while claiming compliance with the EJ Executive Order, which would necessitate a site-specific environmental analysis for a licensing action, NRC clearly indicates that there is no licensing action planned as part of this GEIS.

**Surface Water, Groundwater, Aquatic Species** -- In general the GEIS assumes that radioactive leaks are small, monitored and controlled under regulatory control. No major ongoing leaks are analyzed. Nor are situations in which there is a major loss of spent fuel pool water from a leak analyzed, or in which water use has to be dramatically increased in order to prevent a spent fuel fire by providing makeup water.

- A key problem with the NRC analysis is that it sought to fulfill another purpose: improving the efficiency of the NRC licensing process by generically addressing the environmental impacts of continued storage. We believe it would be more accurate to say improving efficiency by ignoring or avoiding analysis of the environmental impacts,

based on what we see in the draft GEIS. On p. xxvi, NRC describes its efforts to elevate efficiency by minimizing expenditures on site-specific reviews and limiting the potential for lengthy project delays. In fact the Regulatory Analysis in the Federal Register Notice states there is no burden on licensees associated with this proposed action.

- No real analysis of the total costs of spent fuel nuclear waste management was in the GEIS including transportation, storage casks, transfer facilities, recontainerizing every 100 years, spills, accidents, cleanup costs, storage and disposal costs and the planned funding mechanism. The costs of severe accidents including permanent loss of property and businesses and who will bear the costs were also not evaluated. Taxpayers, ratepayers, and the general public have a right to understand the total costs and what costs they will be forced to bear, including whether major portion of the costs will be shifted or externalized from the nuclear industry onto the public sector. The absence of thorough analysis of future financial costs is a significant concern given what we are currently seeing related to the loss of institutional control over dangerous nuclear waste. The public can have no trust in promises about a future process when past promises are unfulfilled.
- The environmental analyses are repeatedly constrained to NORMAL operations. In other words, adverse impacts from errors, spills, accidents, fires, loss of water in fuel pools have not been analyzed, because they are not NORMAL. Severe accidents have largely been dealt with by NRC under voluntary industry initiatives, and as a result have few regulatory requirements. This issue was highlighted by the Fukushima Near Term Task Force as part of the "regulatory patchwork" problem. Unfortunately severe accidents are a major concern associated with the storage of spent fuel.
- For risk-based determinations, NRC uses the probability of occurrence as well as the potential consequences, to find such occurrences unlikely. The experience of Richard Feynman, Nobel Prize winner, in analyzing the Challenger Disaster, that killed all astronauts aboard, is illustrative. NASA assumed that a severe accident would occur very infrequently -- almost never--when the actual probability was once in 200 flights.

US banks used probabilistic risk assessment to evaluate the risks of their portfolios only to find after the 2008 economic crash they caused, that their analyses served to ensure failure rather than providing a measure of safety.

Throughout the GEIS, NRC has told us how unlikely many adverse events are, but nowhere has NRC provided details about how it derived these probabilities. NRC used probabilities to assign small impacts to the majority of environmental impacts, although this was secondary to not properly evaluating the impacts in the first place.

- The NRC states its preference for generic analyses of environmental impacts despite what the Fukushima Near Term Task Force had to say:

Because the regulatory framework has evolved over time, "the licensing bases, design and level of protection from natural phenomena differ among the existing operating reactors in the US, depending on when the plant was constructed and when the plant was licensed for operation." (p. 28 The Near Term Task Force Review of Insights from the Fukushima Dai-Ichi Accident, July, 2011)

Given this information related to licensing it is pretty clear that there is no uniformity for the existing reactors and thus generic analysis for spent nuclear fuel will be inadequate.

- Reprocessing logically should have been evaluated in this GEIS since the NRC has already engaged in meetings in which it is considering approving reprocessing activities.

The past record of reprocessing and the reasons for the past moratorium could have been thoroughly reviewed in the GEIS. We would like to emphasize that reprocessing generates more nuclear waste than you start with, that the experimental reprocessing at West Valley, NY was a failure that left a completely contaminated site that we are having enormous difficulty getting properly cleaned up, partly due to inadequate funding. Tanks at the end of their 50-yr. maximum useful life have not been replaced, calling into serious question the likelihood of cask replacement every 100 years for spent fuel.

Sincerely,



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