

## Rulemaking1CEm Resource

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**From:** RulemakingComments Resource  
**Sent:** Thursday, December 26, 2013 11:19 AM  
**To:** Rulemaking1CEm Resource  
**Subject:** FW: Lewisrevised testimony Dec 9th to NRC RockvilleMD teleconference.doc  
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**TITLE:** Waste Confidence—Continued Storage of Spent Nuclear Fuel

**COMMENT#:** 00707

**From:** Linda Lewison [<mailto:ljlewis1@gmail.com>]

**Sent:** Friday, December 20, 2013 10:36 PM

**To:** RulemakingComments Resource; Lopas, Sarah

**Subject:** Fwd: Lewisrevised testimony Dec 9th to NRC RockvilleMD teleconference.doc

"citing Docket ID No. NRC–2012–0246"

Enclosed is my testimony to the NRC on the phone call in on Dec 9th, 2013.

Please confirm you received this submission.

Thanks Sarah for all your help.

Including tonite's phone call.

Linda Lewison

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Dear NRC staff:

I am submitting these public comments as a member of the Core Team, Sierra Club Nuclear-Free Campaign, and as a Board member of Nuclear Energy Information Service, the 32-year old watchdog of the nuclear industry in Illinois. I am also a ConEd ratepayer and concerned citizen of Illinois.

**Please respond to these questions in writing within thirty days.**

PUBLIC TESTIMONY OF DECEMBER 9, at Rockville MD, via phone:

The decommissioning of the nuclear reactor in Zion, Illinois, is the largest decommissioning of a nuclear reactor in history with almost a billion-dollar budget. The project is scheduled to start the fuel transfer of the irradiated waste into dry casks next month. One thousand metric tons of irradiated fuel will be transferred into dry casks over the course of the next twelve months. HARDENED ONSITE STORAGE hasn't even been on the table. This fuel transfer of 1,000 metric tons of radioactive waste is TWO AND HALF TIMES the 400 metric tons currently being transferred at Unit 3 at Fukushima, Japan.

Since the Zion decommissioning began, there have been two license transfers approved through the NRC. Now Zion Solutions, LLC, a privately held company, has been granted authority by the NRC to manage the decommissioning. As a privately held company, Zion Solutions is legally entitled to take a profit.

When I, along with others ConEd ratepayers, contributed to the public funding of this project, through a charge on our monthly electric bills, we expected that, if there were any funds left over, they would be rebated back to the public. There are precedents for this in the last twenty years when, through the assistance of Citizens Utility Board, millions of dollars were rebated back to the ratepayers in a settlement negotiated with ConEd..

According to the NRC, the NRC's only responsibility is to see that there is enough money to cover the cost of the project. At this point, those costs include a profit margin. Even if it turns out there is no profit to be made from the Zion decommissioning, the precedent is set for a privately held company to manage public funds and build a profit into the budget.

As a ConEd ratepayer, I did not agree to this "public-private ownership" model. As a ConEd ratepayer, I did not agree that the public could legally be prohibited from access to the records of a privately held entity. There is already one lawsuit in the courts challenging the Zion project. There may be more in the future.

At the last sham of a public meeting of the Zion Community Action Panel (a group of local people appointed by Zion Solutions who were not elected in a public process, and whose backgrounds do not encompass the expertise required for the oversight of a

billion-dollar radioactive waste decommissioning project), Pat Daly, who has been managing this decommissioning up until now for Zion Solutions, announced that he was leaving the post and going back to Tennessee. He introduced the new executive, who will be starting now. Pat Daly, having made all the arrangements over the past eight years for this fuel transfer, is leaving at the most critical and vulnerable time, when the fuel transfers are due to start and when we, the millions of people who live in the Chicago/Milwaukee metropolitan areas within 50 miles of the reactor, will be at the most risk.

How can we possibly have CONFIDENCE in the government agency, the NRC, that is charged with protecting the public, when it allows these things to happen? Whatever the next executive's fine credentials may be, it is not "best practices" to change management at this critical time.. This is not the best way for this decommissioning to occur, and by not intervening and postponing the fuel transfers, the public is put at needlessly higher risk. (Maybe Daly knows something we don't and we should all leave town!!)

We do not oppose the fuel transfers; we oppose the process that is going on at Zion. And we are very concerned about the role (or the lack of role) of the NRC. We are all in clear and present danger here. It is the NRC's job to protect and safeguard the public, not turn a deaf ear.

There is no way that a generic environmental impact statement can address the unique and ever-changing realities of each reactor and site in one blanket statement for all reactors. Even the seemingly "common elements" have different ways of wearing out at each site.

As one philosopher has put it: You never put the same foot in the same river twice. All the factors of any given situation and at any reactor site are constantly changing. That is the law of the physical universe as well. Things are constantly changing and breaking down – ultimately into entropy and chaos. Eventually even good machines wear out, and this is certainly true of complex systems like nuclear reactors..

The point I want to leave you with is that in this new universe of decommissioning, each reactor site is different. And each arrangement to do the decommissioning is different and will require its own GEIS, more than one, at different points in time.

There is no way that such ever-changing realities can be covered through one generic environmental impact statement.

Linda Lewison  
Sierra Club Core Team  
Nuclear Free Campaign

Board Member  
Nuclear Energy Information Service

Sidebar comment:

Demeaning process

I also agree with Priscilla Starr and with Mike Carberry that this public process, although you may mean well, is essentially demeaning to the public. Giving us three-minute limits for commenting on such a grave threat to all living things is in itself demeaning. All of the other points that Mike and Priscilla made about the process I would concur with also.

#### **QUESTIONS FOR NRC:**

- How was this budgetary figure arrived at?
- How can we see the evidence supporting this budget at the NRC?
- What contingencies (such as the different characteristics of high burn up fuel and if the fuel rods drop and an “inadvertent criticality” event occurs and there is a partial or complete drainage of the pool, unexpected power outage, and more) have been considered during the fuel transfer?
- What are the preparations, emergency plans, extra boron on hand, and more that have been made to respond to them?
- Since there only a few dry cask manufacturers and since there is a history of some defective casks, what was the process of testing and quality control for these dry casks?
- Was this an open bid process? Was there an open bid process for the rest of the contracts let out – since such large sums of money are being spent – at Zion? If not, what was the process and what were the criteria used to select the contractors?
- Why was HARDENED ONSITE STORAGE not considered as part of the decommissioning – when it is seen as “best practices” by so many experts?
- What were the damages of the fuel rods – 1,500 of them – that were reported to have been repaired at Zion? What were the repairs? Why is it a good idea for the damages/repaired fuel rods to be in the same dry casks as the other fuel rods?
- What is the amount and age of the high burnup fuel at Zion?
- What special arrangements are being made in the fuel transfer? It is my understanding that high burn up fuel CANNOT BE MOVED!! It is too dangerous. It is my understanding that HIGH BURNUP FUEL needs to be stored in fuel pools for much longer periods than the rest of the fuel rods. What special arrangements are being made with these constraints in mind?
- What is the plan and time frame for keeping these dry casks onsite at Zion?
- What is the plan for the safe monitoring of them 24/7?
- What is the plan to keep terrorists away? To provide camouflage from the many flights going over Zion, which is on the flight path to and from O’Hare airport to the East Coast?

### **Questions for the NRC:**

- Why did the NRC allow for these license transfers from Exelon to Energy Solutions and Zion Solutions as part of the Zion decommissioning project? What was the process that allowed this to occur? What was the rationale behind the arrangements?
- What is the authority of the NRC that allowed it to hand over almost a billion dollars of public trust fund money to a privately held entity?
- How does it protect the public, to legally prohibit public oversight, accountability and transparency from the operation?
- What is the profit?
- What is the story behind the \$200 million dollar “line of credit” which was taken out of Northern Trust bank and put in a bank in New York? Why does this project even need such a line of credit – on which the public is paying a fee (of millions of dollars/year)? What funds have been paid out to Exelon - as part of the decommissioning
- expenses? What have they done to earn these fees? Where is the documentation?
- Will the NRC, let alone the public, ever see the financial statements?
- Zion Solutions – in the third year of the project – brought in a public auditor. Where are the auditor’s reports? Will the NRC, let alone the public, ever see them?
- Do we need to file a FOIA to do so or can you make them available on the NRC website?
- What is the NRC’s plan and what is the NRC’s responsibility 1) if the funds run out before the project is completed and 2) in the case of an inherent criticality event or unexpected events causing mega-catastrophic damages – past the caps of the Price Anderson Act?

### **Questions for the NRC:**

- What is the profit in actual amount and the profit margin on the Zion decommissioning project? Who gets it? How is it paid out?

### **Questions for the NRC:**

- What are the guidelines for fiscal matters for a decommissioning project?
- Who owns the R& D and intellectual property – as well as the actual physical new equipment and tools that may need to be developed for the decommissioning?
- Why should public funds pay for development expenses and then allow the private company to profit from their “proprietary” intellectual property rights?
- How does the NRC evaluate what is proprietary?

### **Questions for the NRC:**

- Does the NRC have any recourse in this matter? Can Pat Daly be forced to remain at Zion and manage the fuel transfers? Does the NRC have the power to postpone the fuel transfers until such time as there is a public trustee and public

oversight of the project? Who does? Who can stop it? What role does the NRC play in the process?