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Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff
Docket ID NRC-2015-0134

October 20, 2015

This letter is written to express strong opposition to the proposed rule published in the Federal Register "List of Approved Spent Fuel Storage Casks: Holtec International, HI-STORM Flood/Wind Multipurpose Storage System, Certificate of Compliance No. 1032, Amendment No. 0, Revision 1. The current Amendment is just one in a series of Amendments, most of which appear to ease safety and or testing standards for Holtec products.

In the current proposed Amendment, the U.S. Nuclear Regulatory Commission by way of background states its responsibility under Section 218(a) of the Nuclear Waste Product Act of 1982, as amended, to approve technologies for use in the dry storage of spent nuclear fuel at the sites of civilian nuclear power reactors. The proposed Amendment goes on to say that it approved licensing of NRC-approved dry storage casks in 1990 under a rule entitled "General License for Storage of Spent Fuel at Power Reactor Sites." Furthermore, the NRC approved a final rule on March 28, 2011 "that approved the Holtec HI-STORM FW MPC Storage system and added it to the list of NRC-approved cask designs."

In a breathtaking leap of faith, the NRC has concluded that an environmental impact assessment that was performed in 1990 remains applicable to today's spent fuel storage issues, including the changes proposed by this Amendment. The proposed Amendment states that the current proposed changes would not "differ significantly from the environmental impacts evaluated" in the 1990 assessment nor would they result in a "significant increase in the potential for or consequences from radiological accidents." This begs the question of whether that Environmental Impact Assessment *remains valid* today in light of what we know about the biggest nuclear accident in history, the disaster that occurred on March 11, 2011 at the Fukushima Daiichi Nuclear Power Plant in Japan.

This is all the more relevant in light of disturbing testimony at the Southern California Edison Community Engagement Panel on October 14, 2014 from Holtec CEO Kris Singh in discussing the dry storage of nuclear waste at the San Onofre Nuclear Generating Station. Dr. Singh states that if a canister would develop a leak (one can only presume he is speaking about Holtec canisters) one would be faced with "millions of curies of radioactivity that is coming out of the canister." Dr. Singh's solutions were not comforting and raise questions about leak identification, remediation and future transportation, particularly given the plan to underground some of the spent fuel canisters at San Onofre.

It should go without saying that the placement of the San Onofre facility in California bears an uncomfortably close similarity to that of the Daiichi facility in Japan—both are in earthquake zones, both are in highly populated areas and both are on the coasts of oceans, making them susceptible to natural disasters like earthquakes and tsunamis. In addition, San Onofre is perilously close to the El Toro Marine Base, making it a possible terrorist target. It would seem that the failure to update the Environment Impact Study in light of what we now know about both Fukushima and San Onofre borders on negligence, the degree of which most likely could only be assessed *after* a disaster.

However, it is clear that if (and we pray it is if and not when) a similar disaster occurs at San Onofre there will be much Monday morning quarterbacking and pointing of fingers as to what went wrong and who is to blame. Certainly the legal system provides some protection for decision makers who take decisions in good faith based on the best information available, although that protection becomes murkier when issues of negligence are involved. It would seem likely that if legal issues were to arise, state and local governments and corporations would cite reliance on NRC approved standards, although that almost becomes an abuse of process issue as those standards are called more into question. And as an interesting aside, the majority of the corporate officers at Holtec are foreign born citizens, potentially giving them an alternate escape route in the event legal issues get too hot. Clearly, in addition to the potential human and environmental devastation, in the event of a major disaster the legal situation could get very ugly.

The NRC can little afford another embarrassment like that one that arose as a result of the use of Mitsubishi Heavy Industries steam generators at San Onofre, where after approval and installation the NRC had to admit “replacement steam generators were installed at San Onofre with a significant design deficiency.” Ultimately, this resulted in the closure of the San Onofre facility. Fortunately the failure of the steam generators did not result in significant human catastrophe. The next time we may not be so lucky. It is difficult not to conclude that the best solution would be to design standards that all can agree are prudent based on currently known information.

Sadly, it was announced on October 20, 2015 that the first casualty from Fukushima had occurred when a 41-year old man died of cancer that was officially recognized as being linked to his work at Fukushima after the accident. It is now being alleged that thousands of workers have been and are being exposed to high radiation levels and that there has been a significant spike in the incidence of thyroid cancer among children and young people who were living in Fukushima at the time of the accident. While causality has yet to be determined, Jan Vande Putte, a radiation expert with Greenpeace Belgium said: “The statement from the IAEA that there would be no discernible health effects from the Fukushima disaster was clearly premature.” It would seem prudent to gather all the facts about Fukushima and reassess previous standards in light of that information before approving new standards that are based on the previous, possibly outdated, ones.

Therefore, we recommend:

- 1) A new Environmental Impact Assessment be commissioned immediately, taking into account all new information about nuclear facilities and disasters since the previous study in 1990 and incorporating a broad spectrum of input from interested members of the public.
- 2) A mandate that all current projects meet *at least* the minimum standards employed at Fukushima, and increase those standards if necessary, as soon as is practicable as more information becomes available. (This is particularly applicable in regard to the selection of dry storage casks for the San Onofre Nuclear Generating Station. Use of casks that meet standards that may be outdated based on new knowledge, especially at a facility whose site bears such a close resemblance to that of the site of the Fukushima disaster, would be unwise to say the least.)
- 3) Withdrawal of the current proposed Amendment until further notice.

We would be pleased to discuss this further at your convenience.

Sincerely,



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