

Rulemaking1CEm Resource

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Subject: FW: Public Comments on Docket ID NRC-2015-0070
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TITLE: Regulatory Improvements for Decommissioning Power Reactors

COMMENT#: 112

From: Charles Langley [mailto:langleycharles@gmail.com]
Sent: Friday, March 18, 2016 4:58 PM
To: RulemakingComments Resource <RulemakingComments.Resource@nrc.gov>
Subject: [External_Sender] Public Comments on Docket ID NRC-2015-0070

Attached are comments on Docket ID NRC-2015-0070

Charles Langley
[\(858\) 752-4600](tel:(858)752-4600)

Friday, March 18, 2016

Via email

Annete Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington DC, 20555
Attn: Rulemakings & Adjudications Staff



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RE: Docket ID NRC-2015-0070, The San Onofre Nuclear Waste Dump.

Dear Annette Vietti-Cook:

This provides the comments of Public Watchdogs on the development of the dual use public beach and nuclear waste dump located at San Onofre State Beach in San Diego County.

Public Watchdogs is a 501(c)3 not-for-profit dedicated to protecting the public from incompetent regulatory agencies. The U.S. Nuclear Regulatory Commission falls within the scope of our mission statement for its perceived malfeasance in allowing SONGS, the San Onofre Nuclear Generating Station, to proceed with the deployment of untested and experimental nuclear generators without a proper licensing review. As the NRC is aware, the public record shows that the licensee made reckless design changes that were allowed by the NRC without proper safety testing.

As a result of the NRC's lax oversight, the "Replacement Steam Generators" failed 11 months after they were costing ratepayers thousands of dollars per meter. Moreover, the unlicensed design changes to the steam generators put millions of Californians in mortal danger.

It is therefore assumed that lax oversight is standard practice of the Nuclear Regulatory Commission, and that the Commission suffers from regulatory failure.

Public Watchdogs staff has read and considered the emergency exemptions being considered by the NRC for emergency planning purposes and finds them deficient. The current plan is to allow Southern California Edison to replace its emergency response capacity with a permanently defueled Emergency Plan that grants broad and reckless exemptions to an entity that has a demonstrated history of showing contempt for safety regulations. Given that the NRC has failed to issue punitive financial penalties to Southern California Edison, it is apparent that the utility will continue to thumb its nose at the NRC without fear of retribution or sanction.

Although SONGS is in the process of moving its nuclear waste to dry storage it will remain a wet storage facility until 2019. Therefore, full emergency response capability for a *wet storage facility* must be maintained and reinstated. The current plan grants

exemptions from wet storage prematurely, in violation of 10 CFR 50.12(a)(1) which states that any exemption from the NRC's governing regulations must be authorized by law. The supposition that the NRC has the power to grant exemptions based on the "underlying purpose of the rules" is flawed and open to an overly broad interpretation of the rules.

Each individual dry cask at San Onofre will contain more toxic radiation than what was released at Chernobyl. The beach at San Onofre will house more than 75 casks filled with waste that will be buried in the sand. The beach is subject to earthquakes, tsunamis, corrosion from salt air, and is readily vulnerable to terrorist attack.

The LOSSAN corridor, which is a few hundred yards from the planned nuclear waste dump handles more than 20,000 vehicles a day, and is a vital transportation corridor for multiple rail lines. Loss of the Los Angeles-San Diego corridor due to a radioactive release would paralyze San Diego rail transport and cripple commercial vehicle traffic in and out of San Diego County.

We respectfully submit that the underlying purpose of all NRC rules is to protect the safety and health of the public. Classifying a wet storage facility as a dry storage facility defeats this purpose. It further transfers enormous emergency planning responsibilities to local governments that are ill-equipped to deal with a radioactive release from the San Onofre Nuclear Waste Dump without adequate funding or training, regardless of the emergency planning status of the facility.

More troubling is that fact that the dry casks designed by Holtec are only guaranteed to last twenty-years. It is extremely unlikely that the waste will be removable within the next twenty years. Furthermore, the NRC and the industry have established a miserable record in projecting the life-span of nuclear equipment. As mentioned earlier in this letter, the Replacement Steam Generators at San Onofre had a projected life span of 40-years, yet failed after 11-months due to lax oversight by the Nuclear Regulator Commission.

We are fearful of the admonition that "Past performance tends to predict future results."

In the case of San Onofre, the past performance of the NRC's predicted lifespan for the equipment at Sano Onofre suggests that the thin-walled dry casks that NRC has certified as safe for twenty years are likely to fail within the first 5 ½ to 6 months.

We therefore respectfully suggest that NRC consider finding more appropriate storage areas for nuclear waste that are not located near one of the most densely populated regions in the United States. The non-profit group Citizen's Oversight has identified three possible and highly feasible alternatives to the current beach-front nuclear waste dump being advocated by the NRC and Southern California Edison, and urges the Commission to examine those options carefully.

In addition, we invite the Commission to reconsider its cavalier transfer of emergency response capability from FEMA and Southern California Edison to local governments until a plan for moving the thin-walled casks is developed and deployed. At the present time, Southern California Edison has no means for testing the structural integrity of a fully-loaded cask. Although Edison has promised that the technologies for cask inspection will soon be invented at some point within the next 20-years, they have also promised that the generators which lasted only 11 months would be reliable for more than 40-years.

Perhaps most alarming is the fact that the emergency planning exemptions that the NRC is planning to grant Southern California Edison eliminates any planning responsibility by the utility for a spent-fuel accident lasting 10 hours or longer. These reductions are a violation of 10 CFR 50.54(q)(4) and Companion Part 50, Appendix E Emergency Planning Requirements.

Public Watchdogs respectfully submits that all of the emergency planning exemptions being granted to Southern California Edison are premature and overly broad in scope. We further submit that given the past performance of the NRC, Southern California Edison, and Southern California Edison's vendors, that the planned beach-front waste dump at San Onofre represents a clear and present danger to the health, safety, and economic vitality of the entire Southern California region.

Cordially,

A handwritten signature in blue ink that reads "Charles R. Langley". The signature is written in a cursive style with a horizontal line underneath the name.

Charles R. Langley
Executive Director
Public Watchdogs