



UNITED STATES
HOUSE OF REPRESENTATIVES

THIS IS A FAX TRANSMISSION FROM:

REP. LOUIS J. BARLETTA, 11TH DISTRICT OF PENNSYLVANIA
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TO: NRC

RE: Sabatini Monasteri

FROM: Vincent J. Kundrik - Constituent Services Rep.

DATE: 5-23-16

FAX NUMBER: 301-415-8571

PAGES: (inc. cover sheet)

ADDITIONAL COMMENTS

Please review + contact me.

THANK YOU

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LOU BARLETTA

11TH DISTRICT, PENNSYLVANIA

**TRANSPORTATION AND
INFRASTRUCTURE COMMITTEE**

CHAIRMAN
SUBCOMMITTEE ON
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS,
AND EMERGENCY MANAGEMENT

**EDUCATION AND THE WORKFORCE
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HOMELAND SECURITY COMMITTEE



**Congress of the United States
House of Representatives**

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DISTRICT OFFICES

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4613 JONESTOWN ROAD, SUITE 101
HARRISBURG, PA 17109
(717) 625-7002 PHONE

May 23, 2016

Ms. Rebecca Schmidt
Director, Office of Congressional Affairs
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Ms. Schmidt:

The enclosed information concerning my constituent, Mr. Sabatini J. Monatesti, is submitted for your consideration. Mr. Monatesti has requested my assistance regarding nuclear waste.

I would greatly appreciate your assistance in investigating this matter and informing me of your findings and of any action you are able to take on behalf of Mr. Monatesti.

Thank you very much for your attention to this matter. Please respond to me at the Hazleton Office: 1 South Church Street, Suite 100, Hazleton, PA 18201, (570) 751-0050.

All my best,

Lou Barletta
Member of Congress

LB\VK



LOUIS J. BARLETTA
11th District, Pennsylvania



VINCENT KINDREK
CONSTITUENT SERVICES REPRESENTATIVE

LOUIS J. BARLETTA
MEMBER OF CONGRESS
11TH DISTRICT OF PENNSYLVANIA
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1 SOUTH OGDEN STREET, STE. 100
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(717) 761-0660

UNITED STATES
HOUSE OF REPRESENTATIVES

CONGRESSIONAL CASEWORK AUTHORIZATION FORM

Name: Mr. / Mrs. / Ms. / Miss Sabatini J. Monatesti

Address: [REDACTED]

City, State, ZIP Code: [REDACTED]

Email: [REDACTED]

Telephone: Home: [REDACTED] Work: [REDACTED]

Social Security Number: N/A Date of Birth: [REDACTED]

Passport/Allen Number (if this is an immigration case): N/A

Claim, File or Case Number: TBD Filing Date: 5/19/2016

Federal Agency Involved in your case: NRC

Which other offices have you contacted? Senator Gardner

I request the assistance of Congressman Lou Barletta and his staff in the following federal matter:
(Please provide a brief explanation of your problem and attach copies of any relevant document.
(Use additional paper if necessary.)

Talen Energy requires an extension of the nuclear waste dry storage facility. The current Talen Energy plant operates in Salem Township, PA and currently supports about 1,800 to 2,000 tons of nuclear waste. Salem Township Zoning Board health and safety position was undermined by a legal position taken by Talen Energy attorney who stated that jurisdiction rests with the NRC, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Washington, D.C., 20585, Nuclear Waste Policy Act, March 2004, http://www.energy.gov/sites/prod/files/eo/energy/media/nwpa_2004.pdf. To my knowledge, neither Talen Energy nor NRC has undertaken any evaluation of review with citizen participation to discern if the additional dry storage would affect the health and safety of the surrounding area. Through their commission of acts denying due process the parties, i.e., Talen Energy, NRC and Township Zoning Board, have undermined the action of citizens of Salem Township to review and participate in the design of storage as it relates to health and safety of the citizen of Salem Township

In accordance with the Privacy Act of 1974, I hereby authorize Congressman Lou Barletta and his staff to make the necessary inquiry on my behalf regarding the problem described above. I give my consent for the information concerning me and this problem to be furnished to Congressman Lou Barletta and his staff.

Signed: [Signature] Date: 5-19-2016

Health and Safety review – Susquehanna Site

Problem Statement: Talen Energy requires an extension of the nuclear waste dry storage facility. The current Talen Energy plant operates in Salem Township, PA and currently supports about 1,800 to 2,000 tons of nuclear waste. Salem Township Zoning Board health and safety position was undermined by a legal position taken by Talen Energy attorney who stated that jurisdiction rests with the NRC, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Washington, D.C., 20585, Nuclear Waste Policy Act, March 2004, http://www.energy.gov/sites/prod/files/edg/media/nwpa_2004.pdf.

Talen Energy requires additional storage capacity due to its continued life expectancy requirement (additional license extension 20 years, anticipate installing 50 to 60 additional storage units, total capacity by 2018 about 3,000 tons). Two concerns exist:

1. Will the additional storage impact the health and safety of the Salem Township community (includes Berwick PA), e.g., :
 - a. Will the site support the additional weight given the potential for hydraulic fracturing earthquake incident?
 - b. Does Talen Energy have sufficient funds in escrow to enable decommissioning of plant, and if facility sold, what protection do the residents of the area have that decommissioning is possible without extensive citizen investment (tax dollars)?
2. Has the NRC done their due diligence regarding the evaluation of the impact on community health and safety issues:
 - a. Potential for cascade failure, exposure to radiation due to waste mishandling or related container breakage (44% of past failures dealt with health and safety issues)
 - b. Potential for plant infrastructure failure due to neutron bombardment or other failure (Electrical Power Distribution 22%, Component 22% and Generation Capacity 12%)

To my knowledge, neither Talen Energy nor NRC has undertaken any evaluation of review with citizen participation to discern if the additional dry storage would affect the health and safety of the surrounding area. Through their commission of acts denying due process the parties, i.e., Talen Energy, NRC and Township Zoning Board, have undermined the action of citizens of Salem Township to review and participate in the design of storage as it relates to health and safety of the citizen of Salem Township

Applicable Statute: NRC considers health and safety of paramount importance, per act.

Health and Safety review – Susquehanna Site

1. Page 6: Evaluation – Act applies for the disposal of high-level radioactive waste resulting from atomic energy defense activities. Such evaluation shall take into consideration factors relating to cost efficiency, health and safety, regulation, transportation, public acceptability, and national security.
2. Page 9: Disposition of waste – The Federal Government has the responsibility to provide for the permanent disposal of high-level radioactive waste and such spent nuclear fuel as may be disposed of in order to protect the public health and safety and the environment. The costs of such disposal should be the responsibility of the generators and owners of such waste and spent fuel.
3. Page 9: Concern – High-level radioactive waste and spent nuclear fuel have become major subjects of public concern, and appropriate precautions must be taken to ensure that such waste and spent fuel do not adversely affect the public health and safety and the environment for this or future generations.
4. Page 11: Evaluation – Each nomination of a site under this subsection shall be accompanied by an environmental assessment, which shall include a detailed statement of the basis for such recommendation and of the probable impacts of the site characterization activities planned for such site.
5. Page 30: Responsibility – Secretary shall assist such State, and the units of general local government in the vicinity of the repository site, in resolving the offsite concerns of such State and units of general local government, including, but not limited to, questions of State liability arising from accidents, necessary road upgrading and access to the site, ongoing emergency preparedness and emergency response, monitoring of transportation of high-level radioactive waste and spent nuclear fuel through such State, conduct of baseline health studies of inhabitants in neighboring communities near the repository site and reasonable periodic monitoring thereafter, and monitoring of the repository site upon any decommissioning and decontamination.
6. Page 37: Disposal – Any repository constructed on a site approved under this subtitle (42 U.S.C. 10131 et seq.) shall be designed and constructed to permit the retrieval of any spent nuclear fuel placed in such repository, during an appropriate period of operation of the facility, for any reason pertaining to the public health and safety, or the environment, or for the purpose of permitting the recovery of the economically valuable contents of such spent fuel. The

Health and Safety review – Susquehanna Site

Secretary shall specify the appropriate period of retrievability with respect to any repository at the time of design of such repository, and such aspect of such repository shall be subject to approval or disapproval by the Commission as part of the construction authorization process under subsections (b) through (d) of section 114 [42 U.S.C. 10134(b)-(d)]. [42 U.S.C. 10142]

7. Page 39: **Interim storage** – The Secretary, the Commission, and other authorized Federal officials shall each take such actions as such official considers necessary to encourage and expedite the effective use of available storage, and necessary additional storage, at the site of each civilian nuclear power reactor consistent with –
 - a. the protection of the public health and safety, and the environment;
 - b. economic considerations;
 - c. continued operation of such reactor;
 - d. any applicable provisions of law (Salem Township); and
 - e. the views of the population surrounding such reactor. [42 U.S.C. 10152]
8. Page 42: **Storage** – The Secretary shall provide, in accordance with paragraph (5), not more than 1,900 metric tons of capacity for the storage of spent nuclear fuel from civilian nuclear power reactors. Such storage capacity shall be provided through any one or more of the following methods: (C) construction of storage capacity at any site of a civilian nuclear power reactor.
9. Page 43: **Environmental review** – The provision of 300 or more metric tons of storage capacity at any one Federal site under subsection (a)(1)(A) shall be considered to be a major Federal action requiring preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)]. The Secretary shall prepare, and make available to the public, an environmental assessment of the probable impacts of any provision of less than 300 metric tons of storage capacity at any one Federal site under subsection (a)(1)(A) that requires the modification or expansion of any facility at the site, and a discussion of alternative activities that may be undertaken to avoid such impacts. Such environmental assessments shall include –
 - a. (i) an estimate of the amount of storage capacity to be made available at such site;

Health and Safety review – Susquehanna Site

- b. (ii) an evaluation as to whether the facilities to be used at such site are suitable for the provision of such storage capacity;
 - c. (iii) a description of activities planned by the Secretary with respect to the modification or expansion of the facilities to be used at such site; (iv) an evaluation of the effects of the provision of such storage capacity at such site on the public health and safety, and the environment;
 - d. a reasonable comparative evaluation of current information with respect to such site and facilities and other sites and facilities available for the provision of such storage capacity;
 - e. a description of any other sites and facilities that have been considered by the Secretary for the provision of such storage capacity; and
 - f. an assessment of the regional and local impacts of providing such storage capacity at such site, including the impacts on transportation.
10. Page 45: Review – in all stages of the planning, development, modification, expansion, operation, and closure of storage capacity at a site or facility within such State for the interim storage of spent fuel from civilian nuclear power reactors. Public participation in the negotiation of such an agreement shall be provided for and encouraged by the Secretary, the State, and the affected Tribal Council (we have one up the road, have they been part of the process).
11. Page 46: Notification – For the purpose of this subsection, "process of consultation and cooperation" means a methodology by which the Secretary (A) keeps the State and eligible Tribal Council fully and currently informed about the aspects of the project related to any potential impact on the public health and safety and environment
12. Page 61: Survey – The Secretary shall consider the extent to which siting a monitored retrievable storage facility at each site surveyed would—provide for public confidence in the ability of such system to safely dispose of the fuel and waste; impose minimal adverse effects on the local community and the local environment; provide a high probability that the facility will meet applicable environmental, health, and safety requirements in a timely fashion
13. Page 70: Content – A benefits agreement under section 170 [42 U.S.C. 10173] shall provide that— the State or Indian tribe that is party to such agreement participate in the design of the repository or monitored retrievable storage facility and in the preparation of

Health and Safety review – Susquehanna Site

documents required under law or regulation governing the effects of the facility on the public health and safety;

14. Page 93: Dry Cask Storage – the Secretary shall – (1) consider the costs of dry cask storage technology, the extent to which dry cask storage on the site of civilian nuclear power reactors will affect human health and the environment, the extent to which the storage on the sites of civilian nuclear power reactors affects the costs and risk of transporting spent nuclear fuel to a central facility such as a monitored retrievable storage facility, and any other factors the Secretary considers appropriate

Salem Township Resident:

The Implication of the meeting of Salem Township Zoning Board April 19 is that Talen Energy and Salem Township denied the citizen any right to review or assess the impact of additional waste storage. The implication was that Talen Energy was going forward without any due diligence. That the citizen including local tribe would accept without concern for health and safety the decision of Talen Energy. It was obvious that the NRC had not conducted an environmental evaluation. The NRC nor did Talen Energy present any evidence of their evaluation to the citizen.

Conclusion:

Talen Energy and the NRC should be prohibited from pursuit of this expansion without review and acceptance by Salem Township citizen.