

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:)
)
PROPOSED RULEMAKING)
ON THE STORAGE AND)
DISPOSAL OF NUCLEAR)
WASTE)

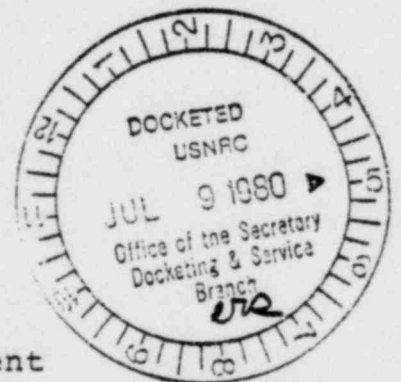
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STATEMENT OF POSITION
OF THE
STATE OF ILLINOIS
JULY 7, 1980

The State of Illinois, pursuant to the May 29, 1980 Order Extending Time to file Statements and Cross Statements of Position, hereby files its Statement of Position.

The United States Department of Energy (DOE) filed its Statement of Position (Statement) on April 15, 1980. Because of the wide scope of material covered by the DOE statement, it is difficult to respond to each topic discussed in the DOE Statement. The State of Illinois will therefore limit the scope of its Statement of Position to the following:

- A. Spent Fuel
- B. Waste Packaging
- C. Transportation of Spent Fuel
- D. Densification
- E. Conclusions reached in the DOE Statement



A. SPENT FUEL

Although the DOE Statement gives an extensive description of past, current and expected future programs to be conducted by the DOE to resolve the scientific, technical and institutional issues needed to safely manage, store and permanently dispose of

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spent fuel from commercial reactors, DOE speaks in vague terms and supplies little data to back up its claims. As of today, no AFRs (Away From Reactor storage facilities) have yet been built, or started, and the date for even beginning to work on permanent disposal facilities has not yet been determined.

Even in light of a history of already abundant legislation and regulation involving nuclear power and waste, the DOE finds no major problems with the fact that many regulations which will affect nuclear waste disposal do not yet exist. These are regulations which will be the basic elements for evaluation of compliance and adequacy of spent fuel storage; but the DOE position is that such regulations will not be critical to the NWTS (National Waste Terminal Storage) program. The DOE has not considered the practical problem of the impact of any future regulations on its present solutions to spent fuel disposal.

AFRs have still not been authorized, although the DOE Statement describes the expected schedule and details of the project management. The DOE Statement recognized some of the practical problems of meeting these schedules, but the DOE has not recognized the difficulty of securing timely cooperation between all the units (governmental or otherwise) involved in meeting a schedule, nor has the DOE recognized the uncertainty that exists in the institutional and decision processes involving the numerous state, local and national - in some cases international - bodies.

The DOE has not included a complete safety analysis of the integrated operation of the spent fuel storage and disposal systems. The studies which would enable DOE to do so have not yet been completed, so the DOE does not know at this time what the makeup of such a system would be. In light of all the above, it is the position of the State of Illinois that the DOE does not have an adequate basis for claiming that the state of development has reached a point where adequate assurance exists that safe spent fuel disposal methods will be achieved between the years 1997 and 2006.

Dale G. Bridenbaugh of MHB Technical Associates has prepared a Statement of Position (MHB Statement) on behalf of the New England Coalition on Nuclear Pollution concerning the safety of spent fuel management and the adequacy of the DOE Waste Programs. The MHB Statement is included in the Statement of Position submitted by the New England Coalition on Nuclear Pollution. In addition to submitting the foregoing comments, and based on the MHB Statement, Illinois supports and hereby adopts the position taken by the New England Coalition on Nuclear Pollution concerning spent fuel management and the adequacy of the DOE Waste Program.

B. WASTE PACKAGING

Based upon the testimony of Professor Runsum Roy, which is attached hereto and incorporated by reference, it is the position of the State of Illinois that there is insufficient data to claim that solutions to waste packaging problems will be reached in time

to assure high level waste disposal by the year 2006. The conclusion reached by the DOE that sufficient waste packaging methods will be developed by the time the need arises for such packages is a conclusion based on so many scientific technical and practicable uncertainties as to render such a conclusion meaningless.

C. TRANSPORTATION OF SPENT FUEL

It is the position of the State of Illinois, again based on the attached testimony of Professor Roy, that the DOE has not adequately considered the problems associated with regularly transporting spent fuel, nor has the DOE sufficiently addressed the problem of where this spent fuel will be encapsulated.

D. DENSIFICATION

It is the position of the State of Illinois, in accordance with the conclusions reached in the statement of Professor Roy, that the DOE Statement does not adequately consider densification (or reracking) as a means of increasing AFR storage capacity. Densification is an alternative to increasing the number of AFRs - and although it is not a permanent solution it is a method that can be used to prevent proliferation of AFRs while easing the pressure to store high level waste until a means for final disposal is available.

E. CONCLUSIONS REACHED IN THE DOE STATEMENT

Throughout the DOE Statement, references are continuously made to testing that is currently being done and future testing of disposal methods for high level waste. From such statements, the assumption is made that this testing will yield at least one way

to resolve the problems being considered in this Rulemaking. Based only on data available now, it is impossible to reach the conclusion that storage facilities for high level waste will be available by the year 2007. It is the position of the State of Illinois that, based on currently available technology and data, adequate assurance does not exist to conclude:

1. that spent fuel from licensed facilities ultimately can be disposed of safely off-site;
2. that disposal facilities will be in operation between the years 1997 and 2006, nor to conclude that the initial increment of off-site storage facilities can be in operation by 1983; and
3. that spent nuclear fuel from licensed facilities can be stored safely either on-site or off-site until disposed of ultimately.

Respectfully submitted,

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