

From: [Barbara Warren](#)
To: [Reed, Wendy](#); [Lohr, Edward](#)
Subject: [External_Sender] Reprocessing
Date: Thursday, April 09, 2020 4:07:56 PM
Attachments: [Final Reprocessing Comments.docx.docx](#)

Dear Dr. Reed and Mr. Lohr,

We have attached a letter supported by multiple organizations concerning reprocessing. We hope you will consider our serious concerns.

Thank you.

Sincerely,

Barbara Warren RN, MS

Abalone Alliance Safe Energy Clearinghouse * Alliance for a Green Economy * Beyond Nuclear * Citizens Awareness Network * Citizens Power * Citizens' Environmental Coalition * Citizens' Resistance at Fermi 2 * Coalition for a Nuclear Free Great Lakes * Coalition on West Valley Nuclear Wastes * Concerned Citizens for Nuclear Safety * Connecticut Coalition Against Millstone * Don't Waste Arizona * Don't Waste Michigan * Green State Solutions * Hanford Challenge * Hudson River Sloop Clearwater * Nevada Nuclear Waste Task Force * New England Coalition on Nuclear Pollution * Nuclear Age Peace Foundation * Nuclear Energy Information Service * Nuclear Information & Resource Service * Proposition One Campaign * Radiation Truth * Solartopia * Toledo Coalition for Safe Energy * Uranium Watch * Vermont Yankee Decommissioning Alliance * Western NY Peace Center * Western NY Environmental Alliance

April 9, 2020

Wendy Reed & Edward Lohr
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Sent via Email

Re: Licensing of Reprocessing

Dear Dr. Reed and Mr. Lohr,

We are recommending that NRC take no steps that would facilitate the development and licensing of reprocessing.

On March 4, 2020, NRC held a two hour public meeting which included only a brief presentation from staff.

Staff reported very briefly on NRC's planned rulemaking, which has been on a hiatus. NRC updated the regulatory basis. Staff now wanted to hear from the public and they

planned to report to the Commission regarding whether they should proceed with licensing for reprocessing.

Many members of the public spoke to their opposition to Reprocessing, meaning that NRC should take no steps that would facilitate its development and licensing. However, in the last twenty minutes of the meeting additional important and fundamental information was provided by NRC in response to questions from Sven Bader from Orano. We have included that dialog below as an Attachment.

This conversation was illuminating and troubling. Our understanding of NRC's actual proposal was altered, but also incomplete. The question became, Should NRC proceed to address Gap 5 only? This would mean that the other 22 gaps would not be addressed. In addition, NRC could process a reprocessing license application under Part 50, which had already been identified by NRC staff as substantially inadequate.

I The Public Process on March 4th lacked legitimacy as a public proceeding.

First NRC admitted that the reprocessing rulemaking has been on a hiatus. Despite the long hiatus of approximately 10 years, no information was conveyed about what NRC has been doing on reprocessing. Second, Don Hancock mentioned the public hearings held in 2010 and 2011. What feedback did NRC receive and what actions did NRC take as follow-up to those hearings? It is now March 2020 and following only a very brief introduction the NRC asked us for feedback. We have no understanding of what NRC has been doing for the past ten years on this topic. We also don't understand why only one Gap is being considered rather than 23. How was that decision made? The public needed at the very least a Federal Register notice that identified a report filling in regulatory activities and decisions that have occurred since 2010. The public cannot provide intelligent comments when we are kept in the dark regarding a decade of NRC deliberations.

II The Regulatory Gap Analysis does not address the enormous systematic failings associated with reprocessing, including significant technical and economic issues. It only addresses licensing. Therefore, a detailed technical analysis is needed first.

The focus of the Gap Analysis is on how to license a reprocessing facility while ignoring the major problems posed by reprocessing. A decision to license a reprocessing facility is not like issuing a library card; it carries with it significant national security, environmental, public health and economic burdens. A detailed technical analysis

should be done to review the current state of affairs prior to proceeding with any efforts to set up a licensing structure for reprocessing. For example:

- The development of MOX fuel was finally cancelled in 2019, due to exorbitant and rising costs in the tens of billions of dollars.
- A key driver, uranium fuel shortages, no longer exist.
- Plutonium is currently being stockpiled – enough to make tens of thousands of nuclear weapons.
- Global surveillance to police the threat of weapons development and use requires extraordinary levels of effort on the part of the US.
- Reprocessing is many times more costly than long term storage and disposal.
- Significant Public Health and Safety Risks are involved.
- Reprocessing requires other costly facilities- burner reactors or breeder reactors that are sodium cooled. The US has none and they are very costly and dangerous.
- The private sector has indicated they will not pay for all that is required. The cost must be paid by the federal government.
- The government's failed reprocessing effort at West Valley has left high level radioactive waste and Greater than Class C waste, including transuranics in limbo, with the potential to contaminate the Great Lakes. The federal government must fix the messes it creates before proposing more of the same.

III If NRC proceeds, it must do a Technical Analysis of all the major issues associated with reprocessing in addition to a full description of the work NRC has been doing on reprocessing since 2010, so that we can be brought up to date. It must include the status of all previous reprocessing efforts and the challenges remaining from that reprocessing, both on and offsite.

The list of issues we have provided above ought to be helpful in that regard, but may not cover 100% of the relevant issues.

Completion of the Technical Analysis and a Final Report for the public should be published in the Federal Register with an opportunity for comment. In the meantime NRC should amend Part 50 so that reprocessing can no longer be licensed under Part 50, since this regulation has already been determined to be inadequate for reprocessing by NRC staff.

Only after public comment on the Technical Analysis and Final Report should NRC evaluate whether NRC needs a pathway for licensing Reprocessing.

Attachment

NRC Conversation with Sven Bader of Orano

Mr. Bader said "Right now there is a rule for reprocessing and it's under Part 50, Correct?"

Wendy Reed replies, "Yes, that is correct."

Mr. Bader asks, So, what we're trying to do is address some of these 23 gaps, right?

Wendy Reed, Yes.

MR. BADER: Okay. So, all these people who are saying don't move forward with rulemaking are really basically saying leave the rule like it is with the 23 gaps. Is that the way the NRC would state that?

MS. REED: I guess that what I'm understanding is a lot of people don't want us to go forward with any further rulemaking regarding reprocessing, for various reasons. That's what I'm hearing today.

MR. BADER: So, you would leave the existing regulation with the 23 gaps in it?

MS. REED: Pardon? Could you repeat that, please?

MR. BADER: You would leave the existing regulation with the 23 gaps in it?

MS. REED: Sorry, Chris. (apparently turned it over to Mr. Regan to answer)

MR. REGAN: That would be the perspective, yes

MR. BADER: Okay.

MR. REGAN: -- because there are rules on the books right now. The rulemaking is to address the gaps. We've been directed by the Commission to move forward at this time with the rulemaking to address Gap 5. We are at a decision or pursuing a decision to discontinue that rulemaking or propose to the Commission that we discontinue the rulemaking to address the Gap 5.

MR. BADER: Okay. Okay. So, theoretically, industry could still make an application with the NRC under the existing regulation of Part 50?

MR. REGAN: Yes.

MR. BADER: Okay. Thank you

For questions or clarification, please contact B.Warren at warrenba@msn.com or 845-754-7951.

Thank you for your attention. We would appreciate a response to this letter.

Sincerely,



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