



LAKE MICHIGAN FEDERATION

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PROPOSED RULE 72
(57FR 28645)

USNRC

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July 21, 1992

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Mr. Samuel Chilk
Secretary of the Commission
Nuclear Regulatory Commission
Washington, DC 20555

Dear Sir:

Thank you for giving the Lake Michigan Federation (LMF) the opportunity to comment on the amendments to regulations that will add the Pacific Sierra Nuclear Associates' and Transnuclear, Inc. fuel storage casks to the NRC approved list. The LMF is a four state, not-for-profit, citizen-action environmental organization formed in 1970 to protect the Lake and its basin.

First, the Lake Michigan Federation objects to the current means by which dry storage cask designs are approved and subsequently implemented. The exclusion of a site specific license requirement by the issuance of a general license for storage of spent fuel at power reactor sites (Part 72, Subpart K) precludes the necessary thorough, detailed assessment of all the relevant social and environmental issues and impacts **unique to each site**, regardless of the similarity of the storage technologies. The environmental assessment(s) conducted prior to the initial rule to develop a list of acceptable storage casks are insufficient for the allegedly temporary, on-site storage facilities undertaken by the NRC and the DOE (LMF will more thoroughly address the term "temporary" in a forthcoming letter). What's more, sufficient public access to the rule making process has been forsaken by the establishment of Part 72, Subpart K, which apparently accepts, universally, the use of any dry storage system without the development of a generic environmental impact statement.

With respect to the inclusion of the TN-24 and the VSC-24 on the NRC approved list (the proposed rule amendment currently open for public comment), the accompanying environmental assessment resulting in a finding of no significant impact is equally inadequate to the task of assessing impacts on society and the environment. The five page document refers to an "experiment" conducted by NRC staff that concludes "the potential risk to the public health and safety due to accidents or sabotage is extremely small." (LMF requests that NRC provide access to the study and adequate time to peruse the relevant documentation.) NRC's environmental assessment is equally diminutive in its treatment of the potential release of radioactive effluent during **normal** handling of the material as it is placed in storage casks.

*Citizen Action
to Save a
Great Lake*

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Finally, the proximity of the storage facility to the reactor site leads the NRC to discount the potential threat to public and environmental health based on their "expectations" of a technology that has not, in the view of LMF, been tested thoroughly enough: "Because of the relatively large reactor sites, any incremental doses offsite due to direct radiation exposure from the spent fuel storage casks are expected to be small..." LMF feels that the potentially dire consequences of the release of any form of radiation into Lake Michigan or its basin requires an assessment beyond the "expectations" of the NRC.

Because "expectations" are an important part of the NRC analysis of the this technology's impacts, questions must be raised as to the adequacy of the testing of the cask itself. First, it has been determined that testing was done on a smaller version of the VSC-24, called the VSC-17. When dealing with the effects of radiation, conclusions drawn from testing a prototype are of dubious import. In addition, given the commonly extended projection of the opening of a federal repository for disposal of high level waste, careful consideration must be allotted to the possibility that these casks may be called upon to perform their functions well beyond the 30 year expectations cited in the NRC assessment. The fact that the NRC requires testing of cask viability for "at least 20 years" does not in and of itself guarantee safety in the apparently likely event the casks remain years or decades beyond the original intended duration.

These issues and a host of others (to be included in a forthcoming statement) speak strongly to the need for an environmental impact statement (EIS)--if not generically for the entire method of dry storage, then for each individual application. It is the position of the Lake Michigan Federation that further progress towards the incorporation of dry storage of spent nuclear fuel rods be suspended until such time as an EIS is conducted. Under the National Environmental Policy Act of 1969, federal agencies are required to perform such an assessment for proposed major federal programs prior to their implementation. This should certainly apply to the use of new technologies to resolve the national nuclear waste storage problem. LMF believes that, regardless of NRC's contention that risks are "small", the severity of the release of high level nuclear waste into the environment compels the need for an EIS.



LAKE MICHIGAN FEDERATION

It will be the policy of the Lake Michigan Federation to use whatever means at its disposal to persuade the federal government to follow this cautious but necessary path. Proper preparation of an EIS provides the best conduit for public participation in a decision that could critically impact their environment and their lives.

Sincerely,

Glenda Daniel
Executive Director
Lake Michigan Federation