

Rulemaking1CEm Resource

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TITLE: Waste Confidence—Continued Storage of Spent Nuclear Fuel

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From: Gale Pisha [mailto:soygale@verizon.net]
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I appreciate the opportunity for the public to comment on the draft Generic Environmental Impact Statement (GEIS) before its incorporation into rule 10 CFR 51.23 concerning the environmental impacts of continued nuclear spent fuel storage.

The "Waste Confidence Rule" GEIS prepared by the Nuclear Regulatory Commission (NRC) does not adequately address the future impacts of nuclear waste storage at U.S. nuclear reactors, especially for specific reactors such as Indian Point nuclear power plant in Buchanan, NY.

The most important problem with the GEIS is that it **“considers the continued storage of spent fuel a generic activity** that is similar for all commercial nuclear power plants and storage facilities.” (*Executive Summary*, p. xxiv) It is vital that each plant have its own evaluation, even though that will result in a higher cost, as discussed in Chapter 7 of the GEIS.

Under the proposed action of preparing a GEIS and revising 10 CFR 51.23, the “NRC does not undertake site-specific reviews of the continued storage issue in the course of individual licensing proceedings.” (ES, p. lvii) However, sites such as Indian Point have unique characteristics which bear on the environmental impacts of continued spent fuel storage. For Indian Point, these include:

- More than 20 million people live within a 50 mile radius of Indian Point, which is the evacuation area the United States recommended during the Fukushima disaster.
- Indian Point is near New York State designated significant fish and coastal wildlife habitats.
- Radioactive nuclides such as tritium and strontium 90 have been leaking from two spent fuel pools since the 1990s into the groundwater and Hudson River. Tritium and strontium 90 have been found in water drawn from the Hudson by United Water New York’s pilot desalination plant located 3.5 miles downstream from Indian Point.

- The water supply for Rockland County is proposed to be drawn from the Hudson River by United Water New York downstream from Indian Point, while parts of New York City's water supply are less than 15 miles away from Indian Point.
- Indian Point sits at the intersection of two active earthquake faults; these faults could produce upwards of a 7.0 magnitude earthquake, which Indian Point was not initially built to withstand.
- The Spectra Energy Corporation's Algonquin expanded 42" natural gas pipeline is proposed to go under the Hudson River, enter Westchester and intersect with proposed mega-voltage electric lines near Indian Point's 40 years of spent nuclear fuel rods, all in close proximity to the Ramapo faultline.
- Indian Point's spent fuel pools, which were never designed to hold the nearly 2,000 tons of toxic waste now stored at the plant, are highly vulnerable to terrorism and accidents. The planes which slammed into the World Trade Center on September 11, 2001, flew along the Hudson and passed directly over Indian Point. It does not seem possible to guard against this kind of terrorist activity.

Other problems with the GEIS are based on **a number of unrealistic assumptions** the NRC makes that should be addressed.

- In characterizing the impacts of short and long-term storage on groundwater quality and use as SMALL, the GEIS admits that "continued storage of spent fuel could result in nonradiological and radiological impacts to groundwater quality, including tritium contamination." (ES. 13.1.8, p. xxxvii) It assumes, however, that monitoring programs would "ensure that impacts from spent fuel pool leaks would be unlikely." In practice, however, there has been little, if any, monitoring, and even if there has been monitoring, nothing has been done to fix the leaks in the spent fuel pools at Indian Point. As discussed abCove, tritium and strontium 90 have shown up in water intended for drinking water drawn 3.5 miles downstream from the leaks, as well as in Hudson River fish. These clearly seem to be impacts of "sufficient quantity and duration to affect offsite locations."
- The GEIS assumes institutional controls would be in place into the future, and that spent fuel canisters, casks, independent spent fuel storage installations and dry transfers system facilities would be replaced once every 100 years. (ES, p. xxviii) The NRC believes this will be enough to ensure that the waste is stored safely hundreds and thousands of years into the future, and fails to consider what impacts would occur if these institutional controls fail.
- The NRC assumes all the waste will be moved from the spent fuel pools into dry casks within 60 years of the reactors' permanent shutdown, despite the fact that NRC regulations allow plant owners to ask for an exemption from the 60 year cleanup requirement. As a result, the NRC has not adequately considered the potential impacts of storing nuclear waste in unsafe pools for the long-term, a concern because these are more vulnerable to accidents and terrorist attacks.
- The consequences of an intentional attack are underestimated by the probabilistic risk analysis done by the NRC.

Finally, the NRC has not considered the possibility of not relicensing operating reactors so that no additional nuclear waste is produced. The NRC has also improperly failed to examine how the expedited transfer of spent fuel from dangerously overcrowded pools to dry casks would substantially reduce safety and accident risks. Both of these possibilities certainly have a bearing on the environmental impacts of long-term storage of spent fuel, and should be considered as options.

In conclusion, the NRC must fully consider site-specific concerns, re-examine the unrealistic assumptions it makes in the GEIS, and consider all feasible alternatives in order to adequately review the risks and environmental impacts of storing spent fuel centuries into the future.

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