

## Rulemaking1CEm Resource

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**From:** RulemakingComments Resource  
**Sent:** Tuesday, December 24, 2013 8:33 AM  
**To:** Rulemaking1CEm Resource  
**Subject:** FW: Docket ID No. NRC-2012-0246  
**Attachments:** Signed DPC Letter.pdf; ATT00001.txt

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TITLE: Waste Confidence—Continued Storage of Spent Nuclear Fuel  
COMMENT#: 00620

-----Original Message-----

From: Michael Callahan [[mailto:mike\\_callahan@govstrat.com](mailto:mike_callahan@govstrat.com)]  
Sent: Friday, December 20, 2013 11:14 AM  
To: RulemakingComments Resource  
Subject: Docket ID No. NRC-2012-0246

Attached are comments of the Decommissioning Plant Coalition re subject rulemaking.

Michael Callahan  
Governmental Strategies Inc  
712 North Carolina Ave., S.E.  
Washington, D.C., 20003

**Hearing Identifier:** Secy\_RuleMaking\_comments\_Public  
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December 20, 2013

Ms. Annette L. Vietti-Cook, Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

**RE: Docket ID No. NRC-2012-0246**

The Decommissioning Plant Coalition <sup>1</sup> is pleased to comment on the NRC's proposed Waste Confidence decision (WC) and its Generic Environmental Impact Statement (GEIS).

We commend the Commission for its work to date and believe that it firmly and fairly addresses the deficiencies found by the Court and that its analyses of short, intermediate, and long-term storage timeframes are more than adequate to support the long held tenet that the U.S. can and will successfully store and dispose of used fuel and reactor-generated high-level wastes safely and securely.

That completes our comments on the draft final rule.

There is a need to address some statements that are ancillary to the rule, especially in the GEIS.

But we must first raise again the primary statement in our December 31, 2012 letter commenting on the scoping process for the Waste Confidence Environmental

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<sup>1</sup> The Decommissioning Plant Coalition was established in 2001 to highlight issues unique to nuclear power plants undergoing decommissioning. The DPC is focused on addressing the needs of single-unit sites that are undergoing or have completed decommissioning activities. Members of the Decommissioning Plant Coalition include the, Connecticut Yankee, Humboldt Bay, LaCrosse, Maine Yankee, Rancho Seco, Yankee Rowe, and Zion facilities.

Impact Statement that the Commission must, as its first principle, continue to hold to its long-established tenant that it does not endorse the indefinite on-site storage of Spent Nuclear Fuel (and Greater-Than-Class-C Waste -SNF/GTCC). The Decommissioning Plant Coalition was formed over a decade ago in response to the government's continuing failure to meet its obligation to remove the SNF/GTCC from reactor sites beginning in 1998 and to highlight the issues unique to permanently shutdown reactor sites undergoing decommissioning and operating on-site dry cask storage facilities. We have and will continue to safely store the SNF/GTCC stranded at our sites; however, as we highlighted in our prior comments and reiterate now, the federal government's continued default on its obligations under the standard contract and the resultant indefinite storage of this material at our shutdown reactor sites cannot be endorsed as acceptable public policy.

Additionally, we find it inconceivable that the federal government's continued default has put the Commission and the nuclear industry in the position where Waste Confidence is only achievable with reliance on extended at reactor storage with the potential for repackaging of SNF and HLW until the Government actually meets its contractual obligation. We believe that under any test of best long-term safety and security practices and policies that one or more consolidated interim storage facilities are a necessary part of the nation's SNF/GTCC management strategy, and that all federal government entities having an official role in this matter ought to so state.

The Commission and staff should remember that after publication of the rule and GEIS, it will still be responsible for ensuring that its future regulatory programs and policies do not foster indefinite on-site storage, either intentionally or unintentionally. We are aware that the Commission does not set national policy. It must be careful not to do so passively by ignoring its role in setting safety policy and standards for the nation's nuclear licensees and contractors. In this vein, the U.S. government, currently represented by the Department of Energy, is the contractor that is obligated to remove the material from licensee ISFSIs. The Department is long in default of its obligations. The Commission must ensure that its own safety and security policies do not encourage future default into an indefinite timeframe. Such future defaults act to the detriment of the Commission's stated intention. We continue to encourage the Commission and staff to embark upon an analysis and statement of the best practices for storage while we wait for the federal government to fulfill its obligations to your licensees as well as the nation's ratepayers and taxpayers.

We offer these following comments that will illuminate the publication of the final rule and the accompanying GEIS without disturbing its findings. The following comments are meant to help clarify these documents.

First, we believe that the ISFSIs and casks at our sites have shown to be robust, safe, and secure. The conservatism that is built into each cask and each ISFSI is acknowledged to be more than enough to provide safety and security for long

beyond the term of their initial licenses. Research done so far confirms this. We believe that these systems could be safe for a minimum of 100 years.

Second, there remain additional research projects that will yield additional information to specify just what specific additional periods ISFSIs and casks can be relied upon to fulfill their safety function.

Third, the results of that research combined with results of intervening and ongoing policy, legislative, and legal activities will determine how best to carry out the acquisition, operation, and decommissioning of Dry Transfer Systems and/or the casks or ISFSI “pads” themselves. While the assumption that these are potential and envisioned steps for the period of storage that would provide continuing adequate protection of the public is understandable, much needs to be known about research results and the evolving policy and legal environment before such measures are proposed as NRC requirements.

Therefore, we believe that the GEIS adequately analyzes an achievable intermediate scenario that should be viewed as an adequate surrogate for the requirements that will be developed during the next 20 - 100 years.

The draft FRN for the final rule currently states that, “(T)he analysis in the GEIS provides a regulatory basis for the final rule.”<sup>2</sup> We believe that this statement should be clarified to convey that the NRC envisions that Transfer Systems and ISFSIs would require rebuilding at some point either at reactors or away from reactors and that 100 years is being used as a reasonable analytical surrogate while research continues.

This will also improve the validity of the statement, “(T)he analyses in the GEIS are based on current technology and regulation.”<sup>3</sup>

We also believe that the analyzed scenarios for the intermediate term storage must be emphasized, clarified, and defined as addressing at reactor ISFSIs *and* away from reactor ISFSIs.

The staff chose not to include Consolidated Interim Storage as an analyzed scenario in its work. In doing so, it would leave the Commission with less to defend its tenet that it does not intend to endorse indefinite storage. While Chapter 5 of the draft GEIS reasonably addresses the impacts of away-from reactor storage, the Commission should work to ensure that the GEIS addresses a Consolidated Interim Storage site or sites as well as at reactor ISFSIs. This might best be done by additional emphasis early in its executive summary and consistently throughout the text.

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<sup>2</sup> Fed. Reg. 56780, Sept 13, 2013, A1.

<sup>3</sup> Fed. Reg. 56788, Sept. 13, 2013, B9.

In short, the Commission must simply be sure that the Waste Confidence rule and the GEIS endure through changes in national policy that the Congress and the Executive Branch may agree upon or the changes in safety policy that this or a future Commission may make.

That completes our suggestions on how to clarify the explanation of the rule and the GEIS. We again assure you that we are dedicated to keeping the spent fuel and Greater-Than-Class-C-Waste that remains at our sites safe and secure. We appreciate the importance that the Commission and staff place on the Waste Confidence effort and will be please to further assist as you need.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Wayne Norton', with a stylized flourish at the end.

Wayne Norton  
President and CEO, Connecticut Yankee and Maine Yankee  
Chief Nuclear Officer, Maine Yankee  
On behalf of the Decommissioning Plant Coalition

