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**PUBLIC COMMENTS OF BEYOND NUCLEAR, DON'T WASTE MICHIGAN, GREEN  
PARTY OF OHIO AND CITIZENS ENVIRONMENT ALLIANCE OF  
SOUTHWESTERN ONTARIO TO U.S. NUCLEAR REGULATORY COMMISSION  
ON DRAFT SEIS FOR DAVIS-BESSE NUCLEAR POWER STATION  
OPERATING LICENSE EXTENSION**

I represent Beyond Nuclear, Don't Waste Michigan and the Citizens Environment Alliance of Southwestern Ontario in the pending license renewal proceeding for Davis-Besse.

It is our opinion that circumstances in recent weeks in New Mexico have seriously undermined the assumptions that have given rise to the generic conclusion that nuclear power plants like Davis-Besse can be allowed to continue in operation, generate incredibly lethal waste products from fissioning, and that there will be adequate measures in place to keep those deadly genies bottled up for the necessary tens or hundreds of thousands of years.

On February 4, 2014, assumptions of very low probability crumbled at the Energy Department's Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico, when a fire in a large salt truck raged for hours, deep underground. Ten days later, an even more unlikely accident happened: Wastes containing plutonium blew through the WIPP ventilation system, traveling 2,150 feet to the surface, contaminating at least 17 workers, and spreading small amounts of radioactive material into the environment

More than a month after the fire, WIPP remains closed, and what happened underground remains unclear. It is not known whether the leak and the truck fire are connected; a waste-drum explosion or the collapse of a roof of one of the facility's storage chambers could be to blame for the radiation event. As DOE contractors send robots to explore WIPP's caverns, the future of the world's only operating high-hazard radioactive waste repository is uncertain.

The fire is believed to have started when diesel fuel or hydraulic fluid leaked inside a truck's engine compartment. The fire consumed the driver's compartment and the truck's large front tires, which produced copious amounts of thick black smoke, prompting 86 workers to be evacuated. Six workers were treated at the Carlsbad hospital for smoke inhalation, and another seven were treated at the site. Workers have not been allowed back in the mine since.

The Energy Department investigation report of March 14 concluded the fire could have been prevented had the contractor and Energy Department site managers bothered, after being repeatedly warned, to remove a buildup of flammable material in the mine, to regularly maintain

trucks and equipment, and to correct emergency response deficiencies. Moreover, the automatic fire suppression system had been turned off before the fire. There was also a radiation leak which may or may not be connected to the truck fire. Among possible causes of the leak, a waste drum explosion is now under consideration. Waste drums containing transuranics generate hydrogen, methane, and other volatile gases which, if unvented, can build up and, if ignited, explode.

Concerns have also been raised about the possibility of a storage room ceiling or wall collapse. Eventually, when WIPP closes, sometime after 2030, the salt formation is expected to slowly collapse and seal off the drums of waste. But this was not expected to happen until long after the repository is filled and closed. If a collapse has already occurred, just 15 years after the facility opened, it will raise additional questions about WIPP's ability to ensure engineered barriers and institutional controls will work for a 10,000 year period.

Intervenors in the NRC's pending "waste confidence" decisionmaking process have warned, authoritatively, of the dangers of storing high-level radioactive waste in salt formations. Physicist Arjun Makhijani filed a formal declaration with the NRC on December 20, 2013 [<http://www.cleanenergy.org/wp-content/uploads/MakhijaniDeclaration.pdf>], in which he stated:

(p. 6/70)

"Disposal impacts are relevant because they are part of the waste confidence finding that a mined geologic repository is feasible. By definition of such feasibility, such a repository must meet reasonable health and safety standards. Moreover, we note that Table S-3 at 10 CFR 51.51 is invalid for estimating high-level waste disposal impacts. Among other things, its underlying assumption of disposal in a bedded salt repository for spent fuel disposal was repudiated by the NRC itself in 2008. {citation: U.S. Nuclear Regulatory Commission. 10 CFR Part 51: [Docket ID-2008-0482]: Waste Confidence Decision Update," Federal Register, v. 73, no. 197 (October 9, 2008): pp. 59555. On the Web at <http://www.gpo.gov/fdsys/pkg/FR-2008-10-09/pdf/E8-23381.pdf>. "FR DOC # E8-23381" "Proposed Rules"}

(p. 9/70)

3.5. Proposed Table B-1 is inconsistent with another regulation that also makes a finding on the same subject: Table S-3 in 10 CFR 51.51.<sup>1</sup> Table S-3 summarizes the NRC's conclusion that the impacts of spent fuel disposal will be zero, based on the assumption that spent fuel will be disposed of in a bedded salt repository. Proposed Table

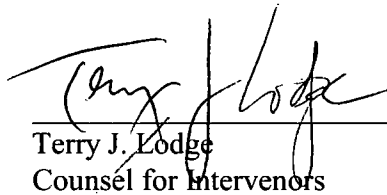
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<sup>1</sup>[Footnote 26 of Makhijani's statement reproduced here:] The Draft GEIS acknowledges that "[t]he environmental impacts of portions of the uranium fuel cycle that occur before new fuel is delivered to the plant and after spent fuel is sent to a disposal site have been evaluated and are codified" in 10 CFR 51.51 and Table S-3. [U.S. Nuclear Regulatory Commission. Waste Confidence Generic Environmental Impact Statement: Draft Report for Comment. (NUREG-2157) Washington, DC: Waste Confidence Directorate, Office of Nuclear Material Safety and Safeguards, NRC, September 2013. On the Web at <http://pbadupws.nrc.gov/docs/ML1322/ML13224A106.pdf>. Page1-22)]

B-1 contradicts Table S-3 by concluding that long-term doses could be as high as 100 millirem per year. But the NRC does not attempt to reconcile proposed Table B-1 and Table S-3; nor does it address the fact that in the 2008 Draft Waste Confidence Update, it repudiated bedded salt as a geologic medium for a repository.<sup>2</sup> Nothing in the NRC's response to public comments on this point negated this repudiation of the unsuitability of bedded salt for spent fuel disposal.<sup>3</sup>

Dr. Makhijani's conclusion is that "[t]he NRC's understanding today is that radiation doses to the public could be well above the zero exposure assumed in Table S-3." (Statement p. 41/70).

I understand that there is an ongoing rulemaking proceeding over waste confidence, but the point the Intervenor in the Davis-Besse license renewal case are here to make to you, tonight, is that there is serious recent new information that calls into question the Table S-3 assumptions that allowed Davis-Besse to be licensed in the first place, much less granted an extension. The NEPA document for the LRA cannot be considered thorough and fully-disclosing without scientific reconsideration of the assumption that the dangerous garbage from nuclear fissioning will not pose horrific hazards to less-informed and more vulnerable populations in the poorer which are likely to be found in the, overpopulated world of the future. The NRC itself has repudiated the science of WIPP, yet relies on that now-discredited science for one of the fundamental driving rationales for commercial nuclear power. The time of reckoning commenced February 4. You must heed the lesson and shut Davis-Besse down, not allow it to limp through another score of years, creating even more uncontrollable lethality for our children's children's children.



Terry J. Lodge  
Counsel for Intervenor

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<sup>2</sup>[Footnote 27 from Makhijani statement reproduced here] U.S. Nuclear Regulatory Commission. 10 CFR Part 51: [Docket ID-2008-0482]: Waste Confidence Decision Update," Federal Register, v. 73, no. 197 (October 9, 2008): pp. 59555. On the Web at <http://www.gpo.gov/fdsys/pkg/FR-2008-10-09/pdf/E8-23381.pdf>. "FR DOC # E8-23381" "Proposed Rules"}.

<sup>3</sup> [Footnote 28 from Makhijani reproduced here] U.S. Nuclear Regulatory Commission. "10 CFR Part 51: [NRC-2008-0482]: Waste Confidence Decision Update," Federal Register, v. 75, no. 246 (December 23, 2010): pp. 81043 and 81044. On the Web at <http://www.gpo.gov/fdsys/pkg/FR-2010-12-23/pdf/2010-31637.pdf>. "FR DOC # 2010-31637" "Update and final revision of Waste Confidence Decision."]