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Andrew Griffith, Dep. Asst. Secretary
Office of Nuclear Energy
US Dept. of Energy
1000 Independence Ave., SW
Washington, DC 20585
PrivateISF@hq.dos.gov

RE: Private Initiatives for Consolidated Interim Storage Facilities, 81 FRN 74779
Response to RFI on Private Initiatives to Develop Consolidated SNF Storage Facilities

Dear Mr. Griffith:

On behalf of the Blue Ridge Environmental Defense League, I submit these comments in response to the Department of Energyôs *Request for Information on Private Initiatives for Consolidated Interim Storage Facilities.*

Background

In a notice published in the Federal Register on October 27, 2016, the U.S. Department of Energyôs Office of Nuclear Energy requested information regarding private initiatives (PI) for consolidated interim storage facilities (ISF) for irradiated nuclear fuel.[1] The DOE request contemplates pilot-scale and large-scale facilities. The DOE pointedly refers to potential host and nearby communities, private operators and existing nuclear waste facility operators responding to this RFI. The Departmentôs integrated waste management systems include both pilot interim storage facilities and much larger consolidated interim storage facilities.

The present request flows from the Departmentôs 2010 Blue Ribbon Commission on Americaôs Nuclear Future, which conducted a wide-ranging review and recommended a plan for the management and disposal of the nationôs irradiated nuclear fuel and high-level radioactive waste.

General Comments

When President Obama established the Blue Ribbon Commission on Americaôs Nuclear Future, he stated:

> In performing its functions, the Commission should consider a broad range of technological and policy alternatives, and should analyze the scientific,

[1] In these comments, I will use the term ñirradiated fuelò instead of ñspent nuclear fuel.ò The radioactive waste which is the subject of this inquiry is nuclear fuel rods which have been installed in a nuclear reactor core until the byproducts of nuclear fission render the fuel unusable. The fuel is by no means spent, because much nuclear energy is still present. The toxic byproducts are the problem.

> environmental, budgetary, economic, financial, and management issues, among others, surrounding each alternative it considers. Where appropriate, the Commission may also identify potential statutory changes.[2]

We believe that the broad range of alternatives must include the cessation of commercial nuclear power in the United States. This alternative would include a moratorium on all new construction and operating licenses considered by the Nuclear Regulatory Commission under 10 CFR Part 52, the cessation of renewal or extension of existing operating licenses under 10 CFR Part 50, and the replacement of these units with forms of electric power which create no back end nuclear waste problems. Under this alternative, an orderly transition to nuclear free commercial electric power generation would take place over a period of years without disruption to industry, commerce or public safety. Further, the transition, if done properly, would provide ample opportunities for economic growth and job development with beneficial impacts on environmental quality and public health. Thus, Americaôs non-nuclear future would have the smallest possible requirement for storage and disposal of high-level nuclear waste of all the alternatives under consideration.

Further, we recommend that any additional exposure to residents in the Central Savannah River Area region be limited to be as low as reasonably achievable, not what is merely legal. This means no additional radioactive waste disposition. Also, loan guarantees and other nuclear subsidies be rescinded and the redirection of resources in favor of wind and solar energy and other clean and economical sources of electric power. Finally, present storage of irradiated fuel at nuclear reactor sites must be responsive to the communities where the power plants are located. The concerns of these communities are presented in ñCommunity Principles for Safeguarding Nuclear Waste at Reactors,ò[3] which is still available.

The principle of Environmental Justice incorporates 1) the equitable distribution of environmental risks and benefits; 2) the meaningful participation in environmental decision-making; 3) the recognition of community life, local knowledge, and cultural difference; and 4) the capability of communities and individuals to function in society.[4] It means avoiding disproportionate adverse environmental impacts on low income populations and minority communities.

Malevolent acts against nuclear fuel and high-level waste shipments are a major threat, made clear by the September 11, 2001 terrorist attacks on the United States. The Nuclear and Radiation Studies Board, unable to perform an in-depth technical examination of transportation security because of classified information constraints nevertheless made the following recommendation:

> An independent examination of the security of spent fuel and high-level waste

[2] January 29, 2010 Memorandum, http://www.energy.gov/news/documents/2010nuclearfuture_memo.pdf
[3] Posted June 4, 2007 and accessed 1/27/17 at: http://www.citizen.org/documents/PrinciplesSafeguardingIrradiatedFuel.pdf
[4] *Defining Environmental Justice: Theories, Movements, and Nature*, Schlosberg, David (2007) Oxford University Press.

> transportation should be carried out prior to the commencement of large-quantity shipments to a federal repository or to interim storage. This examination should provide an integrated evaluation of the threat environment, the response of packages to credible malevolent acts, and operational security requirements for protecting spent fuel and high-level waste while in transport. This examination should be carried out by a technically knowledgeable group that is independent of the government and free from institutional and financial conflicts of interest. This group should be given full access to the necessary classified documents and Safeguards Information to carry out this task. The findings and recommendations from this examination should be made available to the public to the fullest extent possible.[5]

A comprehensive review of nuclear fuel and high-level waste transportation security should have unrestricted access to the information necessary to do this analysis.

Specific Comments

The Department poses a dozen areas in its information request.

1. *What key factors should be considered to ensure that PIs, as part of the overall integrated nuclear waste management system, would provide a workable solution for interim storage of spent nuclear fuel and high-level waste?*

ñPrivate initiativesò for storage of radioactive waste are by nature for-profit enterprises. The application of the profit motive to waste management of all types introduces an insoluble dilemma; which is, if you want more of something (e.g., ball point pens or frying pans), a profit-making enterprise is logical, but if you want less of something (like nuclear waste), the profit motive poses a direct and fundamental conflict. A for-profit enterprise must grow to satisfy the reason the business exists.

2. *How could a PI benefit: a) the local community and state or Tribe in which an ISF is sited and b) neighboring communities?*

Compared to the benefits of a clean energy plantð manufacturing solar panels, wind turbine blades and the likeð the development of a private radioactive nuclear power waste site would provide a detriment. The stigma of waste dump would persist because the legacy of all such sites has been contamination of the most pernicious type.

3. *What type of involvement if any should the Department or other federal agency consider having with the PI and the community regarding organizational, structural, and contractual frameworks and why?*

[5] *Going the Distance? The Safe Transport of Spent Nuclear Fuel and High-Level Radioactive Waste in the United States* (2006) Nuclear and Radiation Studies Board, http://dels.nas.edu/nrsb

For the reasons stated herein, the U. S. Department of Energy and other federal agencies should not walk but run from any involvement sanctioning a private initiative for so-called interim storage of irradiated fuel from nuclear power plants.

4. *What are the benefits and drawbacks of a PI, compared to a federally-financed capital project resulting in a government-owned contractor-operated (GOCO) interim storage facility?*

This is a Hobsonôs Choice question, because both would result in a so-called interim storage facility which would likely be a *de facto* long-term, permanent radioactive waste site.

5. *What assurances to the Government do you think would be appropriate, to ensure that SNF stored at a private ISF, would be managed effectively so as to contain costs to the Government?*

This question presupposes that irradiated nuclear fuel stored at a private ISF could be managed effectively. Cost containment for the federal government would be best achieved by abandoning the interim storage concept entirely and recognizing that for the foreseeable future the least-bad option for management of radioactive waste produced by nuclear power plants is storage at nuclear power plant sites where it is generated. Moreover, the storage at power plants should be upgraded to hardened on-site storage (HOSS).

6. *What possibilities are there with respect to business models for a PI, and what are the benefits and disadvantages of those models?*

There is no good way to do the wrong thing.

7. *How could a PI manage liabilities that might arise during the storage period?*

In the same way that private utilities operating nuclear power plants for generation of electricity manage liability, the financial responsibility for hardened on-site storage at reactor sites should be assumed by the companyôs conventionally accountable parties, the shareholders.

8. *What state/local/tribal authorizations/approvals would be needed?*

There have been a long series of attempts to establish centralized interim storage: the Monitored Retrievable Storage program in east Tennessee, the industryôs privatized storage program targeting Native Americans, first the Mescalero Apache Nation in New Mexico and the Skull Valley Goshute Reservation in Utah. The record clearly shows that no state, local or tribal authorization would endure corresponding state, local, tribal and national opposition.

9. *How can the Government continue to explore or implement the PI concept in a fair, open and transparent manner going forward?*

The publishing of the extant request for information provided a welcome opportunity for the interested public to weigh in to expose the continual failures of consolidated interim storage of radioactive waste.

10. *What, if any, supporting agreements might be expected between the Government and the host state/tribe/local community associated with a PI?*

None.

11. *What other considerations should be taken into account?*

We recommend the private initiative approach be relegated to the dustbin of aborted nuclear projects.

12. *Are there any alternative approaches to developing non-federally-owned facilities that might be proposed (e.g. how projects would be financed, anticipated regulatory and legal issues, etc.). If so, what are they, are there proposed solutions, and how would the above questions be answered with respect to such approaches?*

No.

Conclusion

We oppose the continued generation of radioactive waste ï whether by extending the licenses of the existing reactors, expansion of the existing sites with the addition of new reactors, or from new reactor sites

Thank you for the opportunity to present these remarks. I request to make a presentation at DOE Headquarters as offered in the RFI.

Respectfully,

Louis A. Zeller
Executive Director