

Private ISF

From: Marni Magda <marnimagda@gmail.com>
Sent: Friday, January 27, 2017 2:16 AM
To: PrivateISF
Subject: Response to RFI on Private Initiatives to Develop Consolidated SNF Storage Facilities
Attachments: DOE Request for Information on Private Initiatives to Develop CIS Facilities Jan 2017.docx

Mr. Andrew Griffith, DOE Office of Nuclear Energy,

Please find attached my response of the DOE Request for Information on Private Initiatives to Develop Consolidated SNF Storage Facilities.

Best Regards,

Marni Magda

DOE Request for Information on Private Initiatives to Develop Consolidated Interim Storage Facilities

Point of contact DOE for this RFI is Mr. Andrew Griffith, DOE Office of Nuclear Energy Due Jan. 27, 2017

Email to: PrivateISF@hq.doe.gov Subject line: Response to RFI on Private Initiatives to Develop Consolidated SNF Storage Facilities

KEY FACTORS TO ENSURE THAT PRIVATE INITIATIVES (PI) PROVIDE A WORKABLE SOLUTION FOR CIS

Any contract the DOE begins with Private Initiatives (PI) for Consolidated Interim Storage (CIS) must demand priority for removal of any stranded Spent Nuclear Fuel (SNF) at shut down reactor sites that is qualified for transportation to the CIS facility before any other commercial SNF is moved. Any money used from the Nuclear Waste Fund would first be used to move stranded SNF. The queues for moving commercial SNF from active reactor sites would be considered after all of the dry storage canisters of stranded SNF were transferred to CIS.

The CIS site must be away from populations and oceans, rivers, and ground water aquifers and environmental hazards such as earthquake faults, potential storm surge destruction, land instability, 100 year storm flooding, etc. Fukushima was outside all model predictions for catastrophe. We can't afford CIS in a place where the environment could destroy the facility in the next 300 years.

Many of the informed public who are following the DOE progress for dealing with the nation's SNF do not trust the NRC decisions about safety at the current ISSFIs in 40 states where currently 75,000 metric tons of SNF is stored. The NRC has stated in NUREG 2157 that there are no environmental hazards or population evacuation problems at any of our commercial nuclear sites. They remain silent on terrorist threats. They have determined that the stranded SNF at a closed reactor such as San Onofre is safe to be the interim storage site for the next 300 years or more. The public does not accept that conclusion. In 2016 the California Senate passed a resolution sponsored by Senator Pat Bates requesting that San Onofre SNF be moved as soon as possible.

The NRC has not demanded the nuclear industry invent the system for a damaged canister to be fixed. The DOE must insure that such a system will be part of any PI CIS facility. The NRC has not demanded routine inspections of the dry storage canisters inside the cement overpacks. The robots that may one day inspect those canisters should have been invented thirty years ago, but are just now in the early stages and must be a part of any future CIS facility budget and design plan.

Any private CIS facility or Government Owned Contractor Operated (GOCO) must include more rigorous inspection of the dry canisters than is required today by the NRC. The facilities must include the cranes to move damaged canisters and a cooling pool system for safety as part of the facility's on going safety measures. No one knows how long the canisters will last. The exact assembly contents of every canister must be marked on the canister as well as in a data base system. The number of high burn up assemblies will determine whether the canister must be monitored above ground for 20, 40, 60 or more years before it can be shipped to a final repository. Those records must be kept in multiple back up locations, not just with the private nuclear waste company. The Waste Isolation Pilot Project (WIPP) in

New Mexico on Feb. 14, 2014 showed us how easily a human error can create catastrophe. That accident occurred below ground, costing the taxpayer \$2 billion. A third of the facility is contaminated forever.

Any CIS facility must include an enforceable no fly zone and enforceable no drones zone with a fifty mile protected radius to ensure against terrorist attacks. The DOE must work with the DOD or Homeland Security to fund such security from terrorists for any CIS facility sited and should currently be working toward a design and funding for the two Private CIS currently being licensed by the NRC to open in 2021 in West TX for Areva and in 2025 in NM for Holtec. The current NRC regulation against 7 terrorist soldiers on the ground with conventional rifles is NOT ADEQUATE.

WHY THE DOE MUST BE A PART OF ANY CONTRACT FOR A CIS FACILITY

The taxpayer is responsible for financing the storage of all SNF. Private industry is profit driven. The DOE must lead the contractual process to make sure the nuclear industry does not cut corners for safety and at the same time make sure they have the necessary financial support to create the facility needed while ensuring close watch over the taxpayers' dollars, controlling the company profits. Does private ownership of a CIS facility remove the tax payer from the legal obligation to pay for SNF storage? Does the private owner become the owner of the SNF until it is placed in a final depository or reprocessed? What if the profit models on reprocessed fuel are wrong? How is the taxpayer protected from private ownership failure?

The DOE must get NWTRB and BRC bipartisan participants to create a model contract for the DOE to work with PI for CIS facilities. They set the responsibilities, caps on profit, stakeholder shared profit percentages, and the nuclear waste company's financial responsibility for 300 years of financed storage at any CIS facility. If the PI owner takes ownership of the SNF, is it at the gates of the reactor site or at the CIS facility? Does the DOE or the private CIS company own the SNF once it leaves the nuclear reactor site where it was created? These issues must be clear. A private ownership would need a contract to demand the private company pay premiums on insurance that guarantees the company's obligation. What are the consequences if the owner becomes insolvent? Who bears the cost of unforeseen circumstances or changed conditions?

One example of risk to avoid was a proposed uranium mine that promised 5% to the State of its profits and 5% to the local county for permission to create the mine. When the company ran out of money and was going to abandon the project, they got the local voters in the county to pass a 75 year bond, giving their profits away for that time in order to have jobs. So the private company is paid but the local government hosting the facility gets zero dollars. This is again why a solvent entity must guarantee performance.

The industry today promises its stainless steel dry storage canisters will last 100 years. The nuclear industry has never been made responsible for their performance claims. New contracts must hold them accountable. The mining contract of 10% of the profit for state and local cooperation seems too small

for the future unknown support a CIS facility might need from a county and state. How should those state and county funds be divided between incentive to take the fuel and savings from the profits for needed future SNF issues? How do we make sure profits from hosting the CIS are not wasted or consumed by short sited spending?

It is important to note as our nation focuses on jobs for US companies, that the two CIS facilities being licensed today in TX and NM are owned by the larger companies: Areva from France and Holtec from India. We must be sure that American workers are hired to fill our nuclear engineers' positions, construction teams, and related positions. That must be true in decommissioning contracts as well.

Why PI instead of Government Owned Contractor Operated (GOCO)? The DOE is too far behind in its organization and directives to create a competent GOCO in the next decade for CIS of stranded SNF. The nation has 14 sites being decommissioned and more on the way where the stranded SNF needs to be removed to CIS. The nuclear industry supporting PI has a forty year head start. Like the US Navy, they have been moving this SNF since the 1970's. It is dangerous, but they have a proven ability to safely move SNF by truck and rail as documented in NU REG 0725.

The US Navy model for training emergency responders along the route from a shutdown reactor site to a CIS facility should be adopted by the DOE for PI facilities. Every community, city, county and state along the route should NOT have a say in stopping the fuel from moving along the best route that has been determined by government sources that frequently move hazardous waste across the country. No one today wants terrorists to know when and how SNF is moving on our railroads or highways. The states that must train for emergencies contingencies should be reimbursed by the Federal Government. Rail road companies should be given DOE incentives for improved railroad infrastructure where the fuel will move. The DOE should also cooperate with the nuclear industry to get the rail cars and escort cars that are needed to begin moving stranded SNF in 2021. The US navy has designed and tested these rail cars to move defense spent fuel. Private industry should be reimbursed for manufacturing these cars as soon as they can be produced.

Any CIS site must be consent based. The contract must include the consent of the host state's governor, one of the state's US Senators, the House of Representative of the District in which the site will be built and the local governments for a 50 mile radius. Lack of population is essential in order to create a fenced, secure CIS facility that protects the area for fifty miles. Everyone within the fifty mile radius of the CIS must have the opportunity to be a part of the decision. At the same time the contract must guarantee the use of the land for 300 years and have a stakeholders' oversight contract that reviews and participates in the enforcement of the operating contractor's work for 20 year cycles. The NWTRB or some other such organization must be a part of the site selection and stakeholders oversight process where bipartisan members hammer out the details and their jobs do not depend upon the DOE or the Nuclear Industry for their salaries, present or future. Stakeholders must include State and local government elected officials, local residents, and an environmental representative from an organization such as the NRDC, Friends of the Earth or the Sierra Club.

The NRC decisions about the appropriateness of Yucca Mountain as a final depository should not affect any decisions about CIS. The nation needs both CIS and a final repository. Consent based siting will be the key to avoid useless lawsuits that waste the taxpayers money.

Respectfully Submitted,

Marni Magda

Concerned Citizen living within the 20 mile radius of the stranded SNF at the San Onofre ISFSI