



Alliance for Nuclear Accountability

A national network of organizations working to address issues of
nuclear weapons production and waste cleanup



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Washington, DC 20003

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

Ms. Vietti-Cook:

I am writing to submit a public comment for the record regarding docket ID NRC 2010-0267. It is the Alliance for Nuclear Accountability's (ANA) perspective that NRC rulemaking on spent nuclear fuel reprocessing is at best premature and possibly an inappropriate attempt to steer policy. In addition to the question of urgency, we are concerned that the nuclear industry is playing too large a role in developing language and regulation for spent fuel reprocessing in the U.S.

It is a waste of tax-payer money for the NRC to spend time developing regulations for an industry which does not exist. There is no market for reprocessed plutonium nuclear fuel (MOX) in the U.S. and draft reports from the Blue Ribbon Commission on America's Nuclear Future (BRC) indicate that the federal government is unlikely to support federally subsidized commercial reprocessing. Given that there is currently neither commercial demand nor interest in government subsidies for MOX, it is senseless for the NRC to move ahead with rulemaking on reprocessing.

It would be inappropriate for the NRC to develop a single set of regulations to direct the myriad procedures involved in spent fuel reprocessing. While a return to reprocessing in the U.S. would require some regulatory "gaps" to be filled, various aspects of reprocessing already fit into existing regulatory frameworks. There is no reason that these existing regulations should be altered to create a unified regulatory framework for reprocessing.

Additionally, using Part 50 or creating another "one-step" licensing process would be detrimental to both public support for and the effectiveness of any reprocessing regulation. It makes no sense to create a "one-step" licensing process for unspecified reprocessing technologies, as any NRC rules on the subject should be technology specific. A "one-step" licensing process would reduce the opportunity for public involvement in the licensing process, circumventing a critical aspect of trust building between licensees and host communities.



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Before moving ahead with rulemaking that would facilitate new reprocessing ventures, past experiences with spent fuel reprocessing should be thoroughly examined. France is the only country that has sustained a reprocessing program – without a sustainable solution for disposing of waste and only with heavy government subsidies. Areva, which operates the French reprocessing facilities, dumps millions of liters of low-level reprocessing waste directly into the English Channel each year and creates a huge volume of high-level liquid waste. It would be unconscionable to allow such additional radioactive waste streams in DOE communities that have already given so much for our nation’s nuclear programs. American tax- and rate-payers cannot afford the financial or health risks of corporate welfare for reprocessing contractors.

Closer to home, the West Valley commercial reprocessing plant in New York state operated for only six years before the licensee had to shut it down. Since 1972, billions of U.S. tax dollars have been spent cleaning up the mess at West Valley. The tremendous publicly funded remediation efforts at West Valley demonstrate why any future reprocessing licensees must be held responsible for all operation and cleanup expenses.

Spent fuel reprocessing should never be confused as the “environmental alternative” when compared to other disposal methods for spent fuel. Not only does reprocessing create entirely new high level waste streams but, assuming that reprocessed fuel were used in our existing commercial reactor fleet, it would also fail to eliminate plutonium from the biosphere. No reactor in the world has uses re-reprocessed (third generation) fuel, thus spent MOX (second generation) fuel still becomes waste and we find ourselves back where we started, seeking a real disposal method.

The U.S. has thus far failed to find a satisfactory solution for the highly toxic and radioactive waste streams from reprocessing at Hanford, the Savannah River Site, and West Valley. The most contaminated nuclear sites on earth are reprocessing facilities and it is patently dishonest to represent such projects as “green” or “recycling”. ANA commends the NRC for its current position that separating plutonium from spent nuclear fuel shall be referred to as reprocessing and not “recycling”. We hope that the NRC does not allow itself to be bullied into adopting the more misleading language commonly used by the nuclear industry.

Because spent fuel reprocessing does not isolate plutonium from the environment, and in fact attempts to create new markets for plutonium, it constitutes both a proliferation risk and a threat to human health. Adding value to plutonium supplies will make this material more sought after by state actors and more available for non-state actors with something to prove. Encouraging reprocessing in the U.S. also sets a dangerous precedent at a time when we are trying to dissuade other countries from producing fissile materials. Introducing plutonium to



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commercial markets in the U.S. will require defense level security during transportation and at nuclear plants utilizing MOX fuel.

MOX fuel is more difficult to control in a reactor, meaning that reactors using MOX are at greater danger for accidents. Accidents involving MOX would deliver more contamination to downwind communities than “first generation” uranium fuel would. Plutonium will always present proliferation and health risks until it is safely isolated from the biosphere, most likely vitrified and buried in a permanent deep geologic repository.

If the NRC is not in the business of setting national policy, then it would be wise to allow Congress, the BRC, and the financial markets to speak before embarking upon rulemaking for spent fuel reprocessing. It would be shameful for the NRC to facilitate the nuclear industry’s reprocessing schemes without any national policy in place to dictate such a move. The entity that seems to be pushing the hardest for this rulemaking, the French owned Areva, is legally forbidden from independently owning or controlling nuclear licenses and it shouldn’t be allowed to push the NRC into rulemaking for its pet projects either.

If the NRC is to undertake rulemaking on reprocessing, it must first complete a full-scale “cradle to grave” Programmatic Environmental Impact Statement under the National Environmental Policy Act (NEPA). Such a NEPA analysis must involve all aspects of reprocessing activity, including implications for tax- and rate-payers, waste management, and environmental impacts. Proliferation hazards must also be considered and the public should be engaged in a vigorous debate about the hazards, utility, and financial aspects of reprocessing in the U.S.

Sincerely,

Katherine M. Fuchs
Program Director