

Everybody for a Nuclear Free Future, March 2016

ENUFF RESPONSE

To The
Nuclear Fuel Cycle Royal Commission
February 2016 TENTATIVE FINDINGS



..... then The Golem said *"Let us Embrace the World's Homeless Actinoid Family, and Nurture them Eternal, for our Economy is liken unto a Rusty Bucket."*

MA-PITJA MUNU IRATI WANTI "Go away and leave the poison where it is"

*RESPONSE 1 TO THE STATE OF SOUTH AUSTRALIA
ROYAL COMMISSION INTO THE NUCLEAR FUEL CYCLE
TENTATIVE FINDINGS*

IN THIS SUBMISSION, ENUFF SUGGESTS THAT THE ROYAL COMMISSION'S TENTATIVE FINDINGS INTO THE MANAGEMENT DISPOSAL & STORAGE OF NUCLEAR WASTE WAS UNLAWFULLY CONTRIVED.

In South Australia we have some legislation called the "Nuclear Waste Storage Facility (Prohibition) Act 2000"¹ (hereafter 'NWSA 2000'), which includes the following provision:

"13—No public money to be used to encourage or finance construction or operation of nuclear waste storage facility

Despite any other Act or law to the contrary, no public money may be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State."²

The NFCRC was funded by public money therefore it would be unlawful for the NFCRC to divest such money "... for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State."

ENUFF regards the NFCRC instigating & financing of the "[Quantitative cost analysis and business case of radioactive waste storage and disposal facilities in South Australia](#)"³ (here-after 'Jacobs MCM report') as being an "... activity associated with the construction or operation of a nuclear waste storage facility ...". Whether or not such a facility has been constructed or been in operation

1 <https://www.legislation.sa.gov.au/LZ/C/A/NUCLEAR%20WASTE%20STORAGE%20FACILITY%20%28PROHIBITION%29%20ACT%202000.aspx> viewed 08/03/2016

2 ibid

3 <http://nuclearrc.sa.gov.au/app/uploads/2016/03/Jacobs-MCM.pdf> viewe 08/03/2016

is immaterial since the NFCRC activity (Jacobs MCM report⁴) & intent is solely associated with the construction or operation of such a facility – without this associated encouragement intent the activity would be meaningless & it would not have been extensively referred to in the Tentative Findings⁵.

The Jacobs MCM report constitutes an essential concept stage scaffold specifically associated with the construction or operation of a nuclear waste storage facility in South Australia.

“**OBJECTIVE** To develop cost estimates and assess the potential viability for four conceptual waste storage and disposal facilities in a combination of generic stand-alone and collocated scenarios in South Australia.”⁶

This production is obviously contrary to the spirit, intent & wording to the NWPA 200 s.13, but is also clearly reflective of a pro-nuclear bias demonstrated by the Royal Commissioner. ENUFF believes that prior to & throughout the NFCRC process, there are unequivocal indications the Commissioner would present us with a favourable view into storing nuclear waste in this State.

In December 2014, before being named as the NFCRC Head, Kevin Scarce touted a nuclear industry for South Australia:

“AFTER seven years of political silence in his role as governor of South Australia, Kevin Scarce yesterday finally spoke out to say the state should consider developing a nuclear industry to compensate for a downturn in manufacturing.”⁷

4 ibid

5 <http://nuclearrc.sa.gov.au/app/uploads/2016/02/NFCRC-Tentative-Findings.pdf> extensively referenced pp35-37 viewed 08/03/2016

6 <http://nuclearrc.sa.gov.au/app/uploads/2016/02/NFCRC-Summary-Radioactive-waste-storage-and-disposal-facilities-in-South-Australia.pdf> viewed 08/03/2016

7 <http://www.theaustralian.com.au/national-affairs/lets-talk-nuclear-says-exgovernor-kevin-scarce/news-story/5e3f6e0295a432a4d96e5361e390acd4> viewed 08/03/2016

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Yet less than 2 months later in Feb 2015, after being named as Royal Commissioner, Scarce claimed that:

"I come to this with no preconceived views."⁸

Concurrent to this, the State Premier, Jay Weatherill: "..... revealed that former governor Kevin Scarce will head a Royal Commission into expansion of the state's nuclear industry and confirmed it will consider opportunities including the storage of waste currently housed overseas."⁹ - demonstrating a direct intent to flout the letter & intent of the NWPA 2000.

A year later, at the Feb 2016 public release of the NFCRC Tentative Findings:

"Commissioner Kevin Scarce said there were 390,000 tonnes of high-level nuclear waste in worldwide inventories, and nearly 10 million cubic metres of intermediate-level waste — all of it produced from nuclear power generation. He said SA could take 13 per cent of the world's waste."¹⁰

Concurrently stating - "*The geology is critical. It has to be seismically stable. That will rule out a lot of areas up and down the (MtLofty and Flinders) ranges, for example*"¹¹ While ruling out the Mt Lofty & Flinders Ranges is a laudable observation & makes sense, the same criteria also negates the current Barndioota site proposed by the Federal Government. We know this because the Geoscience Australia Earthquake Hazards Map¹² places Barndioota within the same (if not higher) seismic risk category as both the above Scarce nominated precincts.

The NFCRC Tentative Findings claim that identifying sites is not part of it's function. The Commissioner then publicly

8 <http://www.sbs.com.au/news/article/2015/02/09/former-sa-governor-lead-nuclear-inquiry> viewed 08/03/2016

9 <http://www.adelaidenow.com.au/business/former-governor-kevin-scarce-to-lead-royal-commission-into-expansion-of-sa-nuclear-industry/news-story/26fcbe2b9e2cec369cf77deed4c738e2> viewed 08/03/2016

10 <http://www.abc.net.au/news/2016-02-15/sa-nuclear-waste-dump-to-meet-'global-need'-recommended/7167412> viewed 08/03/2016

11 <http://www.adelaidenow.com.au/news/south-australia/labor-liberal-unite-to-support-highlevel-nuclear-waste-dump-in-south-australia/news-story/683296ab45e53c73432c66bbe0358e34> viewed 08/03/2016

12 <http://www.ga.gov.au/darwin-view/hazards.xhtml> viewed 08/03/2016

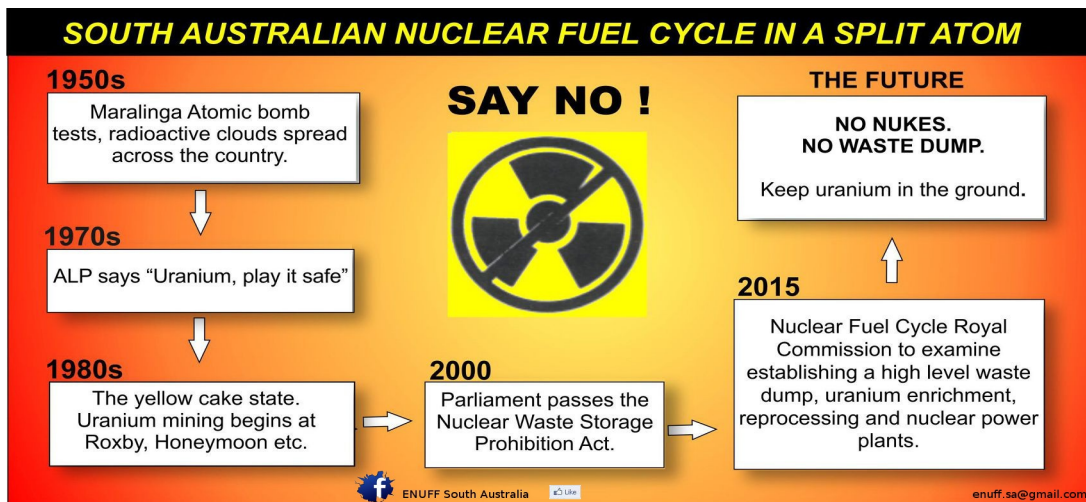
excludes specific areas which appears counter indicative if not conflictive.

In the Final report, ENuFF respectfully requests that the NFCRC demonstrate how producing & using the Jacobs MCM report does not contravene s.13 of the NWPA 2000.

In the Final Report, ENuFF respectfully requests that the NFCRC specifically excludes storing any nuclear waste within the Earthquake Hazards Zone as previously determined & published by Geoscience Australia on their website.

ENuFF also highly recommends that the NFCRC:

- (1) fully digests & act upon Paul Langley's Response¹³ to the Tentative Finding 74; &
- (2) re-visit Appendix 2 of Yuri Poetzl's 24 July 2015 Submission¹⁴ & publicly respond to all its' questions.



13 <https://nuclearexhaust.wordpress.com/2016/03/15/response-to-the-tentative-findings-of-the-sa-nuclear-fuel-cycle-royal-commission/> viewed 16/03/2016

14 <http://nuclearrc.sa.gov.au/app/uploads/2016/03/Yuri-Poetzl-24-07-2015.pdf> viewed 16/03/2016