

## Rulemaking1CEm Resource

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**From:** RulemakingComments Resource  
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**Subject:** FW: Draft Waste Confidence G-EIS - Docket ID NRC-2012-0246

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**TITLE:** Waste Confidence—Continued Storage of Spent Nuclear Fuel

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**From:** Vernon Brechin [mailto:v\_brechin@yahoo.com]  
**Sent:** Friday, December 20, 2013 1:51 PM  
**To:** RulemakingComments Resource  
**Subject:** Draft Waste Confidence G-EIS - Docket ID NRC-2012-0246

Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemaking and Adjudications Staff

RE: Draft Waste Confidence Generic Environmental Impact Statement - Public comments  
78 FR 56621, Docket ID NRC-2012-0246

Dear Secretary,

The two-year period for an environmental review is far short of the period of time needed to do a comprehensive review of the impacts of storing spent fuel from this nation's commercial nuclear reactors.

In the absence of an adequate EIS review, the NRC should have no choice but to continue to suspend all Licensing and re-licensing action for U.S. nuclear reactors. All licensing and re-licensing actions were previously suspended by the NRC until an EIS and revised Wasted Confidence Decision have been issued. The Commission needs to avoid the influence, that the nuclear industry's trade association - The Nuclear Energy Institute (NEI), has over the NRC which is supposed to regulate the nuclear industry's actions.

In June 2012, the U.S. Court of Appeals for the D.C. Circuit vacated the NRC's 2010 Waste Confidence Decision and Temporary Storage Rule and remanded them to the agency for study of the environmental impacts of storing spent fuel indefinitely if no permanent nuclear waste repository is licensed or if licensing of a repository is substantially delayed. Spent nuclear fuel remains highly dangerous for prolonged periods. It has long-lived radioactive materials in it that can seriously contaminate the environment and harm public health if released. Additionally, spent nuclear fuel contains plutonium-239, a radiotoxic element that can be used to make nuclear weapons if separated from the other materials in the fuel. Plutonium-239 has a half-life of over 24,000 years.

The development of nuclear power has gone on in this country for at least six decades with the federal government promising that it would soon find a permanent repository for the highly radioactive waste produced by the reactors. It has repeatedly failed to live up to that promise, putting production ahead of disposal issues. The confidence, that has been shown in the past, has not proved to be very trustworthy. Therefore many more years needs to be devoted to looking into securing this nation's spent nuclear fuel waste stream.

High levels of confidence is typical among human males with strong technical backgrounds. Yet, many aspects of the existing storage of this nation's spent nuclear fuel have been overlooked in existing studies. One of them is the effects of terrorist attacks, or an exchange of nuclear weapons in a future war. As the spent fuel is presently stored there are plenty of opportunities for wide scale dispersal of enormous quantities of radioactive elements into the atmosphere. Countries, such as Germany, have found far better ways of storing it's nuclear waste and the EIS needs to consider such options.

The ongoing problems, with the Fukushima Daiichi nuclear power plant, need further analysis that should be applied to this EIS study. The level of confidence that was behind the design of that plant and its storage pools reflects the level of confidence that many in this country have for the production of nuclear energy and the storage of the spent nuclear fuel assemblies. The ongoing attempts to deal with that situation serves as a fine example of how deeply denial can play in the ways we cope with failures of our confidence.

Although the the NRC was spawned from the U.S. Atomic Energy Commission it was left out of controlling the radioactive waste generated by the nuclear weapons test program which resulted in about 830 underground nuclear explosive tests.

Each of those tests resulted in the release of radioactive debris who's composition is quite similar to the spent nuclear fuel discharged from commercial nuclear power plants. In April 1997, a report was issued by the U.S. Department of Energy's Nevada Operations Office's Environmental Restoration Division, Nevada Environmental Restoration Project.

That report title is 'Focused Evaluation of Selected Remedial Alternatives for the Underground Test Area' (DOE/NV—465, UC-700). On page 8-3 of the report is Table 8-1 - Comparison of Conceptual Costs of Various Alternatives. In the 'Open-Pit Mine' option, which would involve the most extensive clean-up but still a partial one, the estimated cost was \$7.29 trillion. All, but the least expensive option were rejected, leaving primarily long-term monitoring. All other options were considered impractical for various reasons, including costs. The end result is that the problem of potential future contamination is being passed on to future generations so that today's people can continue to live in their customary ways. It's time we pull our heads out of the sand and realize the scope of dealing with radioactive hazards that last for hundreds of thousands of years.

The EIS should include past studies such as 'Expert Judgement on Inadvertent Human Intrusion into the Waste Isolation Pilot Plant' Sandia Report SAND90 — 3063, UC — 721, December 1991) and 'Expert Judgement on Markers to Deter Inadvertent Human Intrusion into the Waste Isolation Pilot Plant' (SAND92 — 1382, UC — 721, November 1993).

The EIS should have a no-action alternative that would be the non-issuance of a waste confidence decision and rule and a continued suspension of new reactor licensing and existing reactor license extension actions until data to make scientifically valid impacts estimates of the consequences of long-term storage of high burnup spent fuel are collected and analyzed.

The No-Action alternative should not rely on the No-Action Alternative of the Yucca Mountain EIS for its conclusions or analysis. Among other things, the environmental impacts in the Yucca Mountain EIS No-Action Alternative were deliberately underestimated by the DOE.

In the case the NRC does not issue a generic Waste Confidence rule, the No-Action Alternative should not presume that sufficient information exists to resume site-by-site licensing decisions. It does not.

The No-Action Alternative as described in three paragraphs above should be the preferred alternative.

The NRC comment reviewers should take into account the thousands of people who have commented opposing the two-year EIS preparation period. It may be easy to dismiss the input of many commenters due to their lack of technical qualifications but their voices still should count.

Sincerely,

Vernon J. Brechin  
20 December 2013  
Mountain View, California, USA.

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