

## Rulemaking1CEm Resource

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**SECY DOCKET DATE:** 12/20/13  
**TITLE:** Waste Confidence—Continued Storage of Spent Nuclear Fuel  
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**From:** Ethyl [mailto:erivera1446@comcast.net]  
**Sent:** Friday, December 20, 2013 11:39 AM  
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**Subject:** Docket ID No. NRC-2012-0246

December 19, 2013

Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555-0001

Attn: Rulemakings and Adjudication Staff

re: Waste Confidence Generic Environmental Impact Statement  
Draft Report for Comment, NUREG-2157  
Docket ID No. NRC-2012-0246

As a citizen concerned for some time about the nuclear waste generated from both electrical power and military weapons facilities and, in response to the invitation to provide comments following the recent Waste Confidence hearings, I submit the following.

First, I find it inexcusable that the NRC, with its massive allocation of taxpayer funding, huge staff and powerful responsibility to oversee (or “regulate”) the most dangerous, expensive, and problem-fraught industry in the history of the world has drafted and released a statement and proposed rule that make a mockery of the National Environmental Policy Act, the needs of the American people, and our legal system.

Issuing a “generic impact” statement that ignores the main focus of the U. S. Court of Appeals, D. C. circuit ruling and its own purported mission that includes “to protect public health and safety ... and protect the environment” the

Commission has provided a the document that appears to be another smokescreen for not only the 56 years of accumulated high-level radioactive waste in this country but for allowing the creation of “waste” products from the mining, milling, enrichment and generation of power to continue unabated. Statements that it is feasible to safely store high-level irradiated fuel on-site, densely packed in pools of water (many perched precariously stories above the reactor) and in cement/steel casks (neither of which were designed for long-term storage) for 100 years provide no confidence. That it is also feasible to have a mined geological repository within 60 years of a reactor’s post-operational period repeats the same “confidence” expressed decades ago that a safe and secure repository/dump for the waste then on hand and for the foreseeable future would exist.

The NRC has, once again, illustrated that its concerns are with the “efficiency” of the industry rather than concerns for the safety of the American people. It blatantly sidesteps the fact that most of this waste will last tens of thousands of years and that recent history has demonstrated that “institutional controls” in no way guarantee that the public health and safety can be protected from its ill effects. In 2013, we are no closer to having a mined geological repository for this waste than we were when the Commission denied a petition for rule making in 1977, stating that, as a matter of policy, it “... would not continue to license reactors if it did not have reasonable confidence that the wastes can and will in due course be disposed of safely” (42 FR 34391, 34393; July 5, 1977, pet. for rev. dismissed sub nom., NRDC v. NRC, 582 F.2d 166 (2d Cir. 1978)).

What “due course” has since emboldened the Commission to continue permitting and expanding the capacity of pools to store high-level irradiated fuel, enabling 70,000 metric tons of commercial high-level radioactive waste to accumulate across this country in such configurations with little, if any, attention paid to its ultimate status? The D. C. Court’s 2012 finding that these pools and the temporary storage casks currently in use do pose undue risk to public health and safety does more than imply that the Commission, in effect, has not complied with the nation’s own nuclear waste laws.

Utilizing a “generic” environmental impact assessment, rather than requiring site-specific assessments, serves to further understate those risks. That it does not even require a site-specific prerequisite such as hardened on-site storage (“HOSS”) containers with features known to safely extend their safe status and using “efficiency” (code word for “industry cost concerns”) reflects the Commission’s lack of independence from the industry it is supposed to oversee.

This is similar to the ongoing unwillingness of our nation’s legislative and executive representatives to recognize the threats from this waste issue over multiple decades and address the situation before the interests of the industry. The human and civil rights of all people have been declared to be “without standing” in the context of these proceedings. The laws that created the NRC and endowed it with its “independent” status, legalized the production of massive quantities of radioactivity by an industry which has no concern about, responsibility or legal liability for deadly consequences of its actions by virtue of being “regulated” by an agency of the government and has assured its deployment across the country via a licensing process which routinely downplays those impacts.

The wealth of truly independent scientific literature indisputably sets forth the harm from radiation and the mass contamination that it has inflicted, and will continue to inflict, on mankind and on our environment. Such evidence is ignored by this and other environmental impact statements and analyses issued by the NRC which I have read. The labeling of “low” and “small” impacts are seen time after time when various assumptions of risk are muddled through proposed mitigation measures and “cost-benefit” analyses used to “balance” the real impacts with industry goals.

That a license is granted for the construction and operation of a nuclear reactor to generate electrical power without examining the full environmental impacts and all costs which will be needed beyond the reactor's "end of life" and the "life" of its waste which will last for hundreds of thousands of years is a mockery of this and the entire EIS process. Not only is the individual owner/operator of the reactor unaccountable or liable for the care and final disposition of the results from which it has generated a profit, but the November 19, 2013 ruling by the U.S. District Court for the District of Columbia that the Department of Energy must discontinue the collection of fees from nuclear power reactor licensees for the purposes of funding the Federal repository program is further cause for concern about the long-term management of commercially-generated nuclear waste.

In my opinion, the Generic Environmental Impact Statement has not addressed the three deficiencies identified by the Court, is inconsistent with the requirements of the original Waste Confidence Rule, as updated, is grossly misleading in applying a "generic" rather than site-specific approach. In addition, it failed to admit that without site designation, design, and realistic time frame for completion of a permanent site for safe disposal of radioactive waste there can be **no confidence** in the proposal and the accompanying. Accordingly, I respectfully urge the Commission to:

- Continue the moratorium on issuing new and renewal licenses for all reactors,
- Conduct site-specific assessment of existing storage systems and require tighter controls on fuel in pools and that hardened on-site storage casks be maintained,
- Modify its proposal to state that there no longer exists a basis for waste confidence, and propose the U.S. Congress amend the Nuclear Waste Policy Act to require specific, achievable plans for permanent disposition of nuclear waste before any new permits are granted to create it.

Sincerely,

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Waterford, Michigan 48327

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