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Consideration of Environmental Impacts on Temporary Storage of Spent Fuel After Cessation of Reactor Operation

Comment On: NRC-2012-0246-0456

Waste Confidence - Continued Storage of Spent Nuclear Fuel; Extension of Comment Period

Document: NRC-2012-0246-DRAFT-1282

Comment on FR Doc # 2013-26726

Submitter Information

Name: Charles Haughney

General Comment

Comments on the Waste Confidence Process:

As background, I am a nuclear safety professional with nearly 50 years experience.

In thinking about the present situation regarding Waste Confidence, I have three observations:

1. Regardless of the history of Waste Confidence Proceedings and court cases, it is evident that the NRC by itself cannot make a full, dispositive finding of Waste Confidence. The NRC's statutory authority, staff experience, and mission are well-suited to make technical findings concerning Waste Confidence; but the NRC lacks the authority, the experience, or the clout to make findings about the political activities that have engulfed Waste Confidence or that may affect waste disposal in the future. The Department Of Energy (DOE) might seem better suited to provide waste confidence than the NRC; but in the past few years, the DOE has basically stopped its high level waste program activities due to political direction from the Senate Majority Leader.
2. What should NRC do? The NRC has already begun to finally provide a substantial basis for a technical finding of Waste Confidence by deciding to issue the full suite of Safety Evaluations Reports (SERs) that will document the acceptability of the proposed Yucca Mountain Repository. This SER issuance will demonstrate to the public that the NRC staff has made the requisite findings of acceptability of one type of repository, that of Yucca Mountain. The surrogate Technical Evaluation Report (TER) that has already been published, although lacking the final regulatory conclusions, provides the needed technical basis for a favorable Waste Confidence finding. The TER could be usefully cited in the GEIS in this regard.
3. The political actions of the past few years have halted NRC and DOE actions on Yucca Mountain. These

actions occurred as a clear violation of the Nuclear Waste Policy Act (NWPA), a violation that has compelled the DC Circuit to issue a Writ of Mandamus to the NRC for its illegal halt to the Yucca Mountain licensing review and proceeding. This shutdown has been led by Harry Reid, the Senate Majority Leader and has been quietly condoned by the Obama Administration. The instruments of this halt were principally two Reid and Obama political appointees, the former Secretary of Energy, Stephen Chu and the former NRC Chairman, Greg Jaczko. All these individuals ignored the NWPA and other laws. There is no reason that this sort of mischief might not happen again, if a powerful politician chooses to sabotage a new high level waste program. This sort of political ruination could affect both another repository and a central interim storage facility for spent nuclear fuel.

Needed NRC Actions:

1. The NRC should promptly request supplemental appropriations to achieve a full restart of the Yucca Mountain proceeding.
2. The Commission should Order DOE as a party to the proceeding to request supplemental appropriations from Congress and to provide the NRC, under oath and affirmation, with a plan to restart all need DOE activities related to Yucca Mountain.
3. NRC should submit proposed legislation to the Congress that would amend the NWPA to transfer the DOE responsibilities to a new federal-private corporation. The draft legislation should transfer all Nuclear Waste Fund (NWF) fees and prior collections to the new federal-private corporation. This draft legislation should further specify that NWF monies be directly collected by the corporation and not be subject to Congressional appropriations. The NRC Commissioners and staff should vigorously press the Congress for passage of this legislation.

In summary, NRC should make appropriate Waste Confidence technical findings and advocate a legislative arrangement where the dictatorial views of a powerful Senator can no longer undermine the Nation's nuclear safety program. Consign the politicians and their acolytes to a smoke-filled room.

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