

## **Rulemaking1CEm Resource**

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**From:** RulemakingComments Resource  
**Sent:** Tuesday, January 07, 2014 9:49 AM  
**To:** Rulemaking1CEm Resource  
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**Subject:** PR-51 Waste Confidence  
**Attachments:** Email comment of Bruce Campbell (combined).pdf

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**Recipients:**

"RulemakingComments Resource" <RulemakingComments.Resource@nrc.gov>

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"Rulemaking1CEM Resource" <Rulemaking1CEM.Resource@nrc.gov>

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## RulemakingComments Resource

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**From:** Bruce Campbell <madroneweb@aol.com>  
**Sent:** Friday, December 20, 2013 3:53 PM  
**To:** RulemakingComments Resource  
**Subject:** Docket No. NRC-2012-0246

December 19, 2013

Bruce Campbell  
3520 Overland Ave. # A 149  
Los Angeles, CA 90034

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attn.: Rulemakings and Adjudications Staff

To whom it may concern at the Nuclear Regulatory Commission and beyond:

The following are my comments on the Waste Confidence Generic Environmental Impact Statement. This is a pathetically vague document in its own bureaucratic reality. The GEIS is a document whose clear purpose are Points 1 and 2 under "Purpose and Need", basically to allow for rubber-stamping of further nuclear operation licenses while not offering a sufficient range of alternatives -- and offering no alternatives which can be useful in helping to gauge relative safety due to different methods and locations for storing radioactive waste.

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### Major Insufficiencies in the Generic EIS

A. It is very apparent that lawyers directed those people who were writing and compiling the document to claim that most any scenario involving radioactive waste will have a "Small" impact. When one is dealing with among the few most toxic substances known (such as some kinds of plutonium and other radionuclides) in high concentration (and sometimes near major population centers), these claims flunk the basic logic test.

B. I realize that the alleged definition of "waste confidence" is necessarily referring only to the radioactive waste being stored after the operating license at a commercial nuclear power facility expires, and before this waste may eventually be taken to a geologic repository or to an interim storage site. Are there other documents and rulemaking procedures which deal with the radioactive waste which is stored at nuclear power facilities during electricity generation, refueling, and other phases preceding the expiration of the operating license? How does one find such documents?

Radioactive waste is radioactive waste whether or not a facility has an operating license. In fact, certain radioactive waste at facilities with an operating license and certain radwaste at facilities who no longer have an operating license can be exactly the same in terms of curies, heat, and radionuclide dispersions -- thus the distinction does not make sense except insofar as it is supposed to be vague and generic and justifying promoting future nuclear power facilities and reactors without a thorough environmental review.

Adding to its ridiculous nature is the fact that the NRC takes the nonsensical steps of seeking to (and sometimes succeeding in) extend operating licenses at nuclear power facilities many decades beyond when

regulators believe that the facilities will cease generating electricity. Most reactors need luck in operating through the end of their operating license -- let alone be able to successfully operate for additional decades.

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C. It is quite clear that the "Need" which precipitated this Generic EIS is the 3rd point under "ES.4 What is the Purpose and Need for the Proposed Action?" on page xxiv of the Executive Summary. This 3rd point reads, "3. to address the deficiencies in the 2010 Waste Confidence rule identified by the U.S. Court of Appeals for the D.C. Circuit". Would this document have been prepared without the remand from the D.C. Circuit(?) -- of course not!

Please note that the first point identified is aiming to streamline and allegedly "improve the efficiency" of the NRC's licensing process. This is the primary objective of the nuclear industry and their enabling rubber-stampers at the Nuclear Regulatory Commission. Since before the AEC became the NRC, promoting nuclear power has definitely been a larger concern for the agency than serious regulations of some impacts of this inherently dangerous energy source.

So, that point 1 reads (under Purpose and Need): "to improve the efficiency of the NRC's licensing process by generically addressing the environmental impacts of continued storage". While some industry members may be pleased that the document is paving the way for many NRC rubber-stamps of nuclear proposals to come, yet there was no real assessment of environmental impacts of continued storage (and comparative risks) in the GEIS. Note that point 2 (under Purpose and Need) says, "to prepare a single document that reflects the NRC's current understanding of these environmental impacts". This is a sham assessment (which does not reflect the NRC's current understanding of environmental impacts of varying kinds of radwaste storage) which aims to grease the skids for approving poorly analyzed nuclear licenses in the future.

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D. Clearly there is not serious analysis of alternatives that could help contend with radioactive wastes in the real world. So, since this document is so vague and does not offer a reasonable range of alternatives, thus we need the more site-specific documents for a licensing action to be very thorough. Unfortunately, both the Nuclear Energy Institute (in their advice to the NRC during scoping comments for this Generic EIS) and the NRC have left open the possibility that such site-specific documents would be relatively skimpy Environmental Assessments rather than the often more thorough (in many cases -- yet this Generic EIS is neither thorough in analysis nor in offering a reasonable range of alternatives).

As part of the NEI's scoping comments on the Waste Confidence Generic EIS (under "Reasonably Forseeable Spent Fuel Storage Alternatives"), they try to (and succeeded in) convincing the NRC not to analyze an alternative featuring centralized interim storage of radwaste, and they are hoping that a skimpy Environmental Assessment may suffice for this analysis rather than the usually more thorough Environmental Impact Statement. I will quote two NEI sentences from their scoping comments on page 6, "However, such a facility is speculative at this point. And a full discussion of the environmental impacts of a centralized interim storage facility would be set forth in an environmental assessment or EIS supporting issuance of a license for such a facility." If a centralized "interim" storage may only call for an EA, then they likely figure that since nuclear power facilities have less radwaste at their individual sites than a centralized interim storage facility, that they may be able to get away with a mere EA in analyzing those situations.

The Waste Confidence Generic EIS has insufficient analysis and offers a pathetic range of alternatives, so this document was be seriously re-written in a "real world" way which offers a reasonable range of alternatives as NEPA calls for. So, not only do we need an adequate rather than this joke of a Waste Confidence Generic EIS, but all site-specific documents seeking nuclear licenses and permits need to go through the more thorough EIS process rather than merely undertaking an Environmental Assessment on these situations.

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E. A Generic EIS is inherently ridiculous when one considers not only that each nuclear power facility and radwaste storage area is in a unique geographical, seismic, hydrologic, demographic, and other settings. Not

only should there be thorough real world analysis of licensing actions at individual nuclear power facilities by developing a sufficient EIS for each of them, but these studies must also evaluate various options for storing fuel onsite and beyond the site (including the complications involved with "high burn-up fuel").

Thus, the No-Action Alternative (Alternative 1) is the only alternative which appears that it may involve a thorough analysis before the NRC acts again with their well-worn "rubber-stamp" to approve various licensing actions at nuclear power facilities. This is the one sensible alternative offered which could actually involve adequate analysis of real world situations and alternatives. The "No Action Alternative" reads: "The NRC would take no action to generically address the environmental impacts of continued storage in individual, site-specific license reviews."

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F. It is appalling, as indicated on page xxvi of the Generic EIS' Executive Summary, that alternatives such as "halting NRC licensing and closing nuclear reactors would not meet the purpose and need of the proposed rulemaking action." This may be the case, but only because the NRC came out with their purposes (in their points one and two under Purpose and Need) which was essentially to assist the nuclear industry in making it easier to obtain licenses. As stated before, those "purposes" have nothing to do with satisfying the remand by the D.C. Circuit Court of Appeals, but are just pandering to a sleazy disreputable industry. Halting NRC licensing and closing nuclear reactors should be offered as an alternative since it meets the "need" of the document -- which is to try to adequately address the remands from the court. Just because the desperate industry comes up with "purposes" to grease the skids for the nuclear industry does not mean that they are valid or legal purposes to pursue in the Generic EIS or otherwise.

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G. Returning to the point mentioned under "E." in regards to UNIQUENESS of nuclear power facilities in the USA. Certainly each site at which there is a nuclear reactor and/or radwaste is unique. Yet in the USA, there are no cookie-cutter nuclear power facilities. There are many different configurations of nuclear power facilities (even if there is a similar type of reactor installed as at other sites) in the USA. Thus, it defies logic to claim that any sort of generic determination can be made when we are referring to uniquely sited facilities as well as unique facility determination and equipment being used.

Let's examine the claim on page xxiv of the WC Generic EIS that, "The NRC considers the continued storage of spent fuel a generic activity that is similar for all commercial nuclear plants and storage facilities." How many licensed NRC facilities have received permission to store a greater concentration of radioactive waste than was originally intended? How many of these (and how many others) have their radwaste situation complicated by "high burn-up fuel"? Thus, there are many differences in radwaste storage configuration and timing (such as timing of putting some radwaste in dry casks, so the NRC's conclusion defies logic and, once again, is designed to help this highly toxic and beleaguered industry.

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H. The term "Waste Confidence" is a meaningless term -- other than the clear fact that I have 100% confidence that radioactive waste from nuclear power facilities will exist somewhere for many millenia to come. It is appalling that the NRC has been playing this word game of charades with the public ever since 1983 with this term. They clearly want to help the industry so are "kicking the ball down the field" to hopefully (in the industry perspective) do many more favors for the nuclear industry before finally getting to seriously addressing threatening radioactive waste issues.

If there was a serious evaluation of a reasonable range of alternatives and actual proposals where one could evaluate relative risk from various methods of storage, it could be helpful material. There should be extensive discussion on how waste from "high burn-up fuel" complicates matters while a commercial nuclear reactor is operating, while the facility has an operating license and is storing radwaste, while a reactor is going through decommissioning phases, and when it is decommissioned. Yet, there is no serious addressing of alternatives nor of how radioactive waste can impact many aspects of real life for celled organisms such as human beings.

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I. The NRC has been recklessly pursuing very long license extensions for nuclear power facilities which will be very fortunate to chug along to the end of its operating license -- let alone be able to safely operate for many additional decades. This point is related to my concern (under my Point B) about the distinctions between the radwaste sitting at commercial nuclear power facilities whose licenses have terminated (such as at San Onofre) and the radwaste sitting at commercial nuclear reactor sites where an operating license is still in effect (or to which a long license extension was granted sometimes even a decade before the current license is set to expire.)  
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Once again, this document is highly inadequate, it does not meet the remand called for by the D.C. Circuit, its "purpose and need" is faulty and pandering to industry, it does not offer a reasonable range of alternatives, and it means close to nothing in the real world of radioactive waste impacting celled organisms. Thus, the No-Action Alternative is the only alternative which could possibly involve sufficient analysis of alternatives for radwaste storage -- through site-specific EISs of individual nuclear reactor and radwaste storage sites.

Sincerely yours,

Bruce Campbell

## RulemakingComments Resource

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**From:** Bruce Campbell <madroneweb@aol.com>  
**Sent:** Friday, December 20, 2013 10:30 PM  
**To:** RulemakingComments Resource  
**Subject:** Docket No. NRC-2012-0246 (Part II)

December 20th, 2013

Bruce Campbell  
3520 Overland Ave. # A 149  
Los Angeles, CA 90034

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attn.: Rulemakings and Adjudications Staff

To whom it may concern at the Nuclear Regulatory Commission and beyond:

The following are further comments on the Waste Confidence Generic Environmental Impact Statement.

In reference to my point # D in my earlier comments, we certainly need a thorough EIS with a reasonable range of alternatives -- rather than a skimpy Environmental Assessment. This current draft generic document shows that one can churn out a reasonable number of pages while purposefully saying very little about comparative risks of various modes of storage or otherwise.

It is sad that page xxv of the Executive Summary under "2. The GEIS-Only Alternative" leaves the door open for more skimpy Environmental Assessments rather than thorough site-specific EISs on licensing reviews.

The 3rd and last of the alternatives offered in the WC Generic EIS is "3. The Policy Statement Alternative" and is quite disturbing. It appears that the nuclear industry wants to leave the door open for an option where the inadequate joke of the environmental impact analyses in this generic EIS document can be incorporated into site-specific NEPA documents in order to avoid a more thorough site-specific evaluation.

The GEIS risk analysis is not credible or adequate -- both in regards to "generic" risk and failures to differentiate between different sites even in regards to such basics as geography, seismicity, and proximity to large population centers and vital agricultural regions. It strains common sense that there appears to be no distinction drawn in the WC Generic EIS document between spent fuel in a region with millions of people in the immediate region versus the spent fuel being stored or permanently repositied / deposited at a site quite remote from population centers.

The NEI scoping comments made a point to emphasize that there is no basis from which one could re-examine the 5 earlier Waste Confidence findings. Please publish these 5 findings, and discuss the implications of them in the final document. Are these 5 findings any more relevant to a real examination of comparative safety of various modes of radioactive waste storage. I note on page 2 of the NEI's scoping comments where they pointed out that it was a comparatively skimpy environmental assessment. An EA is not very thorough, and given that we are contending with extremely hazardous and long-lived wastes, the whole document

deserves to have a thorough EIS completed with a reasonable range of alternatives and while thoroughly examining the mystery of those 5 earlier Waste Confidence findings.

The NEI's scoping comments termed as "speculative" the possibility of analyzing an alternative with a centralized interim storage area for radwaste. However, given that the Yucca Mountain earlier-proposed repository is in an active volcanic and seismic area along the Ghost Dance Fault, and seeing that I have not heard of any progress being made toward a geologic repository for commercial nuclear power spent fuel waste at another location, thus I contend that it is at least as speculative to claim that there will be a permanent geologic repository for this kind of radwaste. There was concern that the "Mobile Chernobyl" bill might be brought up in D.C. in December, but it was put off until the new year. Establishing centralized interim storage is taking legislative form while the push for a geologic repository is lagging. Thus, one could conclude that in the next few decades it is much more likely to have centralized interim storage than a geologic repository that isn't in that horrible location in an active volcanic and seismic area in Nevada. Thus, the arguments that centralized interim storage is speculative is poorly supported.

Lastly, the portion of the document on Air Quality was notably insufficient since it failed to indicate how the air quality was being judged. Radionuclides often travel through the air and can be inhaled and result in cancer or worse down the road. Yet, I see no analysis of radionuclides in air (or water or on our highways for that matter) and the serious consequences on human health which some of these radioactive substances can cause.

In conclusion, quit promoting the beleaguered greedy and highly toxic nuclear industry by acting like your so-called "Purpose" needs to be met. Thorough environmental review combined with useful alternatives with which to gauge comparative safety from different modes of radioactive waste storage are needed, and are sorely lacking in this aiming to be meaningless (except to accelerate rubber-stamping of licenses down the line) Waste Confidence Generic EIS document.

Sincerely concerned,

Bruce Campbell



## RulemakingComments Resource

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**From:** Bruce Campbell <madroneweb@aol.com>  
**Sent:** Friday, December 20, 2013 10:56 PM  
**To:** RulemakingComments Resource  
**Subject:** Docket No. NRC-2012-0246 (Part III)

December 20, 2013

Bruce Campbell  
3520 Overland Ave. # A 149  
Los Angeles, CA 90034

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attn.: Rulemakings and Adjudications Staff

To whom it may concern at the Nuclear Regulatory Commission and beyond:

The following are Part III of my comments on the Waste Confidence Generic Environmental Impact Statement.

Despite what the producers of this document were told by their guiding lawyers, there is clearly and inherently a serious risk in the short, mid, and long-term storage of radioactive wastes whether in spent fuel cooling ponds, in racks, in dry casks, or in other arrangements wherever they may be at a nuclear reactor site, at some centralized or regional locale which is supposed to be awaiting a more permanent solution, or awaiting or eventually being placed in a more permanent geologic repository.

All of the threat from the radwaste must be seriously analyzed, not treated as a bureaucratic joke intended as a steppingstone to get this inadequate and vague generic document adopted in order to help this leeching industry. If this WCGEIS can incorporate various documents by reference, you can incorporate by reference studies by Sandia and others which estimate risks from all of the nuclear power facilities in the USA. Make sure to include in the record all documents which involve analysis of potential for leaks and fires at spent fuel ponds. This should not be too much to ask seeing that these two factors needed to be included in the generic document to satisfy the D.C. Circuit concern with the earlier inadequate Waste Confidence Generic EA.

Seeing that the court specifically called for it, I am appalled at what passes for a true analysis in regards to both leaks from spent fuel pools, as well as possibility of fire at spent fuel pools. The court and concerned citizens must reject this inadequate and vague document which leaves us no closer to a meaningful evaluation of the relative safety of different modes and locations of radioactive waste storage.

Sincerely,

Bruce Campbell