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Ms. Annette Vietti-Cook
Secretary
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Washington, DC 20555-0001

Comments on Proposed Waste Confidence Rulemaking,
Docket NRC-2008-0482

I am pleased to be able to comment on the proposed revision to the Commission's Waste Confidence Rulemaking and changes to 10CFR 51 as a public citizen. Although I agree that spent fuel can be managed safely and securely for the next hundred years, I believe that the proposed rule is insufficient because it does not adequately consider the NEPA intergenerational ethical concerns of this generation reaping the benefits of nuclear energy, while just passing off the nuclear waste products to future generations without providing them any ultimate disposition solution. Although I concur that geologic repositories are technically feasible, it is unfair to our grandchildren to just pass on to them the socially and politically difficult task of siting and creating a geologic repository just because it is politically difficult for us to do so. Our generation, as well as the previous, has utilized the substantial benefits of nuclear energy, but we have not been able to politically develop a repository option for the waste that we have created, continue to create, and plan to expand to create even more. This proposed rule does not provide any impetus at all to create a final disposition path for our waste during our time on earth.

This country and globe need existing nuclear energy and even more nuclear energy in the future for many well known reasons. Regardless of recycling or not, nuclear energy production creates high level waste products that must be eventually responsibly disposed of. The only known final disposition pathway for these waste products is a geologic repository, which is technically feasible, but has not been socially nor politically achieved despite over 50 years of effort. The Nuclear Waste Policy Act of 1982 set out an ethical timeline pathway for responsible waste management and the existing WCR supported that effort with the current Finding 2 for an operational geologic repository before 2025. Although delays have been encountered and political adversity is currently high, there is no basis for the Commission to completely abandon the fundamental principal of NEPA intergenerational responsibility considerations by just "kicking the can" down the road for the next 100 years or more.

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The current US political situation is such that a US geologic repository may not be achievable in the first quarter of the 21st century. Although this is unfortunate, the need for nuclear energy is great and its development should not be hindered because of repository delays, therefore some modification of Finding 2 is appropriate. However the proposed finding of 50-60 years after licensed life for operation (or worse yet no timeline at all) removes virtually all societal incentives for the US to develop a geologic repository to dispose of the wastes that we have already made and will make indefinitely into the future. Without any expectation or motivation from the NRC on the entity responsible for waste disposal (currently the Federal Government or any other future waste management organization that may be created) to develop a timely repository, it will never happen in our lifetimes. Talk about potential repository site development is easy, but actual State and Federal level political siting of a repository needs a clear driving force or it will never be achieved.

A more appropriate Finding 2 would be to just slightly revise the timing in the current Finding 2 to recognize the delays that have occurred. For example, if the US is serious, in developing a timely repository, then a repository availability date of 2035 should be sufficient to develop a Yucca Mountain or another repository site. The Commission could revisit the rule periodically and make time adjustments as necessary, but having a quantitative motivational milestone would better provide for an ethical intergenerational balanced responsible endpoint for the nuclear waste created from vitally needed nuclear energy.



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For

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To: Waste Confidence Rulemaking
Comments

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