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

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Submitter Information

Name: Ruth Thomas

Address:

354 Woodland Drive
Columbus,, NC, 28722

Organization: Environmentalists, Inc.

General Comment

See attached file(s)

Attachments

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Add= S. Lopas (SLL2)

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To: Cindy Bladey, Chief,
Rules, Announcements and Directives Branch (RADB)
Office of Administration, Mail Stop: TWB-05-B01M
US Nuclear Regulatory Commission
Washington, DC 20555-0001
Fax 301-492-3446

Re: Docket ID NRC-2012-0246

**Scoping Comments, Questions and Concerns
regarding the radioactive wastes resulting
from the operation of nuclear reactors**

by
Ruth Thomas,
Environmentalists, Inc.

Where We Are

For the past 61 years, nuclear power plants have been approved for building and operation. The heat source in these nuclear reactors comes from nuclear fission. Extremely high temperatures are reached, so high that the nuclear reactors must be continually cooled to keep a meltdown from happening.

It is steam from the heated water which operates the electric generators. The idea of using the waste heat produced from splitting atoms in the process of generating electric energy is a development which originated from military weapons technology and involves enriched uranium.

1. In The Beginning

The Atomic Energy Commission (AEC) licensed nuclear reactors as well as being in charge of manufacturing atomic weapons. In an attempt to have objective oversight of the nuclear power reactors, the Nuclear Regulatory Commission (NRC) became the agency to license and regulate the Nuclear Power Industry. This did not correct the basic flaw of applying a military technology, nuclear fission, to the commercial electric generating business. Nor did the AEC or its successor, the NRC, raise questions and concerns about the absence of critical oversight over the decision to use nuclear fission as an energy source.

Both the AEC and NRC's approach to licensing did not base their decisions on the known evidence about exposure to radioactive materials and nuclear fission by-products of nuclear projects. If the agencies had, we would not have the nuclear energy industry, nor would we have the present situation wherein there is no solution to the huge buildup of irradiated nuclear fuel, and there would be no need for a repository to isolate these lethal wastes from man's environment.

It isn't that the two agencies didn't know about and admit his evidence. The NRC, and the AEC before it, published pamphlets which provided information about nuclear power and the health effects of being exposed to the radioactive substances of enriched uranium, plutonium, and the highly radioactive waste products of nuclear fission -- for example, the fact that there is no safe level of exposure to radiation, that the harmful effects are cumulative, illustrations showing how there are numerous pathways by which radioactive releases from a nuclear power plant could reach you, be inhaled, absorbed through the skin, ingested into your body.

2. The Military-Industrial Complex

President Dwight Eisenhower, 1/16/51, said: "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists, and will persist." His prediction has come true.

3. Misleading the Public

The AEC and NRC have failed to protect the public. Neither agency's approach toward nuclear power is achievable: the "we can make it work" attitude -- we have more than enough backup systems, our workers are trained not to make mistakes, maintenance regulations are strict, we have regulations to ensure equipment doesn't fail, we have exceptionally high design standards....

When people and organizations raise questions about safety, one or more of the above fantasies may be the response.

At other times rules and regulations become the sole justification for decisions.

Permissible exposure levels were and are determined by the agency, with no consideration of those who have already been harmed by radiation, who already have an illness, or whether the individual is a man, a woman, a child, or an unborn baby.

Another way the agency uses to avoid a direct answer to comments and questions is to determine that the subject is "beyond the scope" of the Draft Environmental Impact Statement (DEIS) or EIS.

The Waste Confidence Decisions and Rules of 1984, 1990, 2010, 2012, are examples of avoiding an in-depth dialogue of what the NRC plans to do about irradiated spent nuclear fuel waste. **These and numerous other decisions made by the NRC are in conflict with and fail to fulfill the intent and provisions of the National Environmental Policy Act (NEPA).**

4. The decision-making process which works is NEPA

NEPA prevents dangerous projects from being approved which are a threat to people and the environment. We know from experience that when a citizens' organization challenges the licensing of nuclear facilities by intervening and becomes a party to an adjudicatory proceeding, it isn't possible for witnesses of the NRC or witnesses for nuclear corporations seeking a license to avoid answering questions, under oath, when being cross-examined.

In the case of Environmentalists, Inc., the process lasted from 1971 to 1976 as we fought a reprocessing facility at Barnwell, SC. Numerous individuals, state and national organizations worked together. Our witnesses and advisors, among the most qualified and experienced in the country, presented evidence which pointed out what was wrong with reprocessing spent nuclear fuel.

We recommend that the testimony of that proceeding, Docket 50-332, be a reference for the core group preparing the DEIS. The NRC has this transcript on microfiche. We will be identifying specific passages when we add to these comments. We will also be including other sources of evidence which need to be considered.

Also we suggest that the DEIS and EIS of all reactors be considered from the viewpoint of the by-passing of direct answers to those commenting.

5. The public, independent scientists and researchers back up their statements, concerns, and questions

It is those commenting and expressing concerns about nuclear facilities who back up their letters and testimony with evidence, with actual happenings, such as accidents, with reports on leaks and routine releases.

Alternatively the AEC and NRC, over the years, have repeatedly failed in explaining and justifying their decisions with records, with accepted evidence, with actual happenings. Instead, assumptions are made, predictions which don't rely on evidence but on calculated models, and answers are not given to clear questions.

6. The public is not being represented nor being protected

Those that speak out and are knowledgeable are not being heard. A majority of citizens in this country are being misled about nuclear power. The message that is instilled in people's minds is that nuclear power is safe, clean, and cheap. They are not being warned against drinking water which is routinely contaminated with radioactive tritium from a nuclear reactor. They are not being told that the state health department has no control over this or other radioactive contaminants leaking routinely from a nuclear power plant, nor any authority to monitor or regulate the highly radioactive fuel rods stored in on-site fuel pools.

7. Adjudicatory process is needed

As near as possible to the adjudicatory decision-making process is needed now. The NRC is not facing the reality of the situation, if it thinks that top-down rule-making is going to solve the problem. There needs to be an unbiased group that is outside the nuclear industry to bring some reality to the situation.

8. Facing reality

The NRC is now being forced by the US Court of Appeals, DC, to consider the problem of what to do with irradiated spent nuclear fuel. It has taken more than 60 years and the ongoing efforts of numerous states and organizations to bring this about. The NRC, AEC, and DOE have a history of bypassing compliance with the intent and provisions of the National Environmental Policy Act.

It is clear from the Federal Register Notice of October 25, 2012, the NRC presentations on November 14, December 5 and December 6, 2012, that the agency has chosen to continue with its faulty decision-making process and to put off any meaningful discussion of what needs to be done to halt the operation of all nuclear power plants in order to ensure that the amount of irradiated nuclear fuel waste will not increase.

The first step is to halt production of nuclear waste, which means shutting down existing nuclear power plants

The second step is to make sure that the most effective technologies will be used to limit the release of radionuclides from existing storage during normal and accidental conditions (earthquakes, flood, fires, tornadoes, acts of terrorism, etc., or any combination of these).

Independent scientists, engineers, researchers, nuclear experts outside of government and the nuclear industry, are qualified and capable of contributing to addressing the problem of how to best protect people and the environment from the risks inherent with spent nuclear fuel. **Rather than hired consultants, we recommend a process of cooperation between NRC personnel and independent experts.**

9. We all need more time

We were disappointed that the public was only given until January 2, 2013, to respond to the deadline set by the NRC on this issue. We ask you to respond with substance, not evasion or denial, to what we're sending in now, so that we can begin a real dialogue to address this crucial problem.

Ruth Thomas, Researcher and Coordinator
Environmentalists, Inc.,
354 Woodland Drive, Columbus, NC 28722
828-894-6305