

# PUBLIC SUBMISSION

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**Docket:** NRC-2012-0246

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

**Comment On:** NRC-2012-0246-0001

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

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Comment on FR Doc # 2012-26295

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## General Comment

**Comment#** 336  
**77 FR 65137**  
**10/25/2012**

Pleas see attached letter.

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## Attachments

CJH WC EIS Comments 2 Jan 2013

**SUNSI Review Complete**  
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**Add= S. Lopas (SLL2)**

January 2, 2013

Dr. Keith McConnell  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Dr. McConnell,

Although I am submitting comments as an individual, I fully endorse the comments submitted earlier by the Science Panel of the Sustainable Fuel Cycle Task Force, of which I am a member.

To put my comments in context, my name is Charles J. Haughney. I have been a nuclear professional for over 46 years. I have worked on the design, construction, testing and operation of commercial and naval nuclear reactors, fuel cycle facilities, and spent fuel storage and transportation casks. I served over 11 years of active service in the US Navy submarine force, and I was the Chief Engineer on a nuclear attack submarine, which was assigned to the Western Pacific, during the Vietnam war. I served on the NRC Staff for more than 20 years. During the last several years of duty at the NRC in the 1990s, I was the *SES Manager responsible for spent fuel storage and transportation*.

I appreciate the opportunity to comment on the NRC's EIS scoping process that has begun in an effort to respond to the DC Circuit's remand of the 2010 Interim Waste Confidence (WC) update.

My first comment addresses the notion of providing an adequate, documented measure of confidence to support safely maintaining spent fuel in storage for several hundred years, which is beyond the original design and licensing bases that typically ranged between 20 to 50 years. The NRC and several components of the nuclear industry have begun efforts to assess fuel storage components aging mechanisms with a goal of understanding preventative measures and of ensuring the continued ability to provide confidence in the continued safe spent fuel storage for several hundred years. Although these efforts related to spent fuel storage component aging will most likely continue for some time after this EIS is scheduled to be published, I encourage the Staff to give a full discussion of these efforts: the progress, the status and schedules, and any preliminary results and conclusions. Let the public know the details of where we stand on these issues.

I cannot resist the temptation to remark that the careful consideration of these aging efforts, although well worth doing under any circumstances, would not have taken on such an unnecessary and increased emphasis had the Administration followed the law. Actually, if the Administration had followed several laws, among them: The Atomic

Energy Act, the National Environmental Policy Act, the Administrative Procedures Act, and most obviously, the Nuclear Waste Policy Act. Yet by pushing the Yucca Mountain Project "off the table," the Administration has created an impasse of biblical proportions. The action to stop our only repository program should have been preceded by a Programmatic EIS prepared by the Department of Energy (DOE). Such an EIS would have properly considered: 1) the reasons that Yucca Mountain needed to be "off the table;" 2) environmental and safety considerations associated with all manner of spent fuel storage; and 3) a realistic approach to developing a second repository. Instead, as a result of the Administration's affront to nuclear safety in abandoning Yucca Mountain, we have the DC Circuit directing the NRC to do DOE's job.

Forgive my digression, but it leads to my second comment. As a part of its abandonment of Yucca Mountain, the DOE established the Blue Ribbon Commission on America's Nuclear Future (BRC). The BRC members took their assignment very seriously, conducted their deliberations in an open manner, and developed a thoughtful report on time and under budget. The Staff should make good use of the BRC report, with its well-developed conclusions and recommendations. As of this writing, the Administration has wrung its hands and not bothered to explain to the public how it intends to implement the BRC recommendations, if at all. I urge the NRC Staff not to wait for the DOE. Rather, use the BRC report on its own merits as you develop this EIS.

To cut to the chase, I recommend that the Staff fully ventilate the BRC recommendation that our nation's spent fuel and high level waste disposal program become the responsibility of an entity outside of the federal government. I urge you to develop a strong basis for creating a Fed Corp that has access and control of the Nuclear Waste Fund. And I urge you to develop and propose draft legislation to establish an effective and politically unhindered Fed Corp. The Fed Corp must be free from Continuing Resolutions, Fiscal Cliffs, Debt Ceilings, Earmarks, and the Congressional appropriation process. Otherwise the recent ride of the Four Horsemen of the Yucca Mountain Apocalypse (Reid, Obama, Chu, and Jazco) will likely be repeated at some future date; and a Central Interim Storage Facility or a Second Repository will be shoved off the table with equal political vigor.

But where would we site a Central Storage Facility or a second repository? The BRC has a suggestion: consent-based siting, with up-front incentives. I suggest that this EIS explore this subject in detail. In so doing, we need to achieve both state and local support and with a reasonable level of permanence. Otherwise the successors and assigns to The Four Horsemen may ride yet again.

As you consider these BRC-related recommendations involving the Fed Corp and consensus-based siting, you might be tempted to exclaim that those consideration are outside the scope of this EIS. Using conventional thinking, that may true. But someone

in this government needs to squarely address the entrenched political impediments to safely managing this waste. Why not the NRC staff?

Charles J. Haughney