

## Rulemaking1CEm Resource

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**From:** RulemakingComments Resource  
**Sent:** Friday, November 15, 2013 10:41 AM  
**To:** Rulemaking1CEm Resource  
**Cc:** RulemakingComments Resource  
**Subject:** PR-51 Waste Confidence  
**Attachments:** Public Meeting (11-6-13) Comment of A David Rossin.pdf

**DOCKETED BY USNRC—OFFICE OF THE SECRETARY  
SECY-067**

**PR#:** PR-51

**FRN#:** 78FR56775

**NRC DOCKET#:** NRC-2012-0246

**SECY DOCKET DATE:** 11/6/13

**TITLE:** Waste Confidence—Continued Storage of Spent Nuclear Fuel

**COMMENT#:** 00180

**Hearing Identifier:** Secy\_RuleMaking\_comments\_Public  
**Email Number:** 192

**Mail Envelope Properties** (377CB97DD54F0F4FAAC7E9FD88BCA6D00127B39A0632)

**Subject:** PR-51 Waste Confidence  
**Sent Date:** 11/15/2013 10:40:46 AM  
**Received Date:** 11/15/2013 10:40:51 AM  
**From:** RulemakingComments Resource

**Created By:** RulemakingComments.Resource@nrc.gov

**Recipients:**

"RulemakingComments Resource" <RulemakingComments.Resource@nrc.gov>  
Tracking Status: None  
"Rulemaking1CEM Resource" <Rulemaking1CEM.Resource@nrc.gov>  
Tracking Status: None

**Post Office:** HQCLSTR01.nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	253	11/15/2013 10:40:51 AM
Public Meeting (11-6-13) Comment of A David Rossin.pdf		39859

**Options**

**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**

## PARALLELS

Dr. A. DAVID ROSSIN November 6, 2013 Orlando, FL

The philosopher, Georges Santayana, said that those who ignore the failures of the past are doomed to repeat them. Within his first 100 days, Jimmy Carter issued an Executive Order on April 7, 1977 to defer indefinitely the reprocessing of used nuclear reactor fuel. He said it was necessary to prevent proliferation, and that nuclear power could go ahead just fine. He was wrong on both counts.

His order was a Major Federal Action. Did he prepare an EIS (Environmental Impact Statement)? No! He made his decision in secret, listening only to those who he knew would agree with him. Kept tightly classified, there were no White House leaks.

Carter ignored four decades of planning, study and Congressional funding on waste disposal, and never reviewed the lengthy hearings in the Senate or the House on the economics, proliferation or the Waste Confidence Rule.

The Vietnam War had brought changes to American policymaking. Activists challenged governments from Federal down to county levels. "Public participation in decision making" was Ralph Nader's banner and was demanded by activist groups.

In 1975, activists won a court decision that forced an EIS on the entire planning for reprocessing and recycling of used nuclear fuel. The GESMO (Generic Environmental Statement on Mixed Oxide Fuels) meant months of preparation, and a series of public meetings had already been announced when Carter was elected.

Carter's new nuclear policy stopped the GESMO. It achieved victories for NRDC, UCS, EDF and Common Cause. GESMO's demise showed that a small group of dedicated organizations could use NEPA (National Environmental Policy Act) and the EIS to try to stop a big program of a major industry. While not offering viable alternatives or even documented facts, and maybe not being able to totally stop it,

they were able to delay it while raising costs, feeding public doubts and fears, and fueling more distrust of government.

Carter read voraciously, but skipped or ignored experts who knew enough to point out weaknesses and fundamental errors in his scheme, including its impact on the national program for nuclear waste management. Even after his election, President Carter never consulted the directors of our weapons laboratories about plutonium. He feared that if his policy were leaked, the nuclear industry would use its vast financial resources to undermine his plans.

Carter just believed that if the US took the lead by stopping our reprocessing, separating and recycling plutonium and the breeder reactor, the other nations would follow our lead and that would prevent proliferation. They did not, and the U. S. lost its leadership in the nuclear power world.

Our friends and partners were appalled and furious. They realized that the U. S. had just given activist groups a powerful political gimmick they could use to stop nuclear power. And they tried!

The policy forced the cancellation of the GESMO hearings. Carter created a moratorium on nuclear plant orders that lasted almost four decades. His legacy created the impasse the nation still finds itself in: rewriting its Waste Confidence Rule in light of Sen. Harry Reid's personal agenda. It is the Rule that is the obvious target of activist groups who use nuclear power as their pet issue.

The parallel? In 2008, a new President found himself indebted to Sen. Harry Reid. All Reid asked President Obama to do was to let him defund Yucca Mountain. Then Reid barely won re-election in Nevada and became Majority Leader.

Sen. Reid stopped the NRC review of the Yucca Mountain Safety Analysis Report. Five years later we are in EIS hearings about a well-established process, the storage of used nuclear reactor fuel. This simple issue has succeeded in creating more delay and confusion on the way to finalizing NRC's Waste Confidence Rule.