

## Rulemaking1CEm Resource

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

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**From:** Tom Ferguson [<mailto:tf@thinkspeak.net>]  
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Instead of acknowledging the potentially catastrophic impacts of leaving spent fuel on the surface of the earth indefinitely, the NRC claims that no serious impacts will happen. In place of the previous assumption that a safe repository will be licensed, the NRC has substituted a new and even more absurd assumption -- that spent fuel can and will be safely managed at reactor sites and in other above-ground storage facilities for the indefinite future. This assumption is inconsistent with the Nuclear Waste Policy Act (NWPA); it violates NRC's own regulations and runs counter to common sense and the experience of human history.

In the proposed rule that accompanies the draft GEIS, the NRC also proposes to incorporate into every reactor license the Draft GEIS' conclusion that spent fuel can be safely stored above ground forever. Thus, the NRC would forbid any further public discussion, in individual reactor licensing actions, of the serious question of whether generation of additional spent fuel is justifiable in light of the absence of any means of safe disposal.

Bottom line: By eliminating repository disposal as part of the Waste Confidence Decision, and by protecting licensing decisions from intervenors who raise questions about the environmental effects of continuing to generate spent fuel without a repository, the NRC effectively would institutionalize extended spent fuel storage as a de facto means of spent fuel disposal. This result is inconsistent with Congress' policy in the NWPA, and completely unacceptable from an environmental standpoint. The Draft GEIS should be sent back to the drawing board and the proposed rule should be scuttled.

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