

WCRM-GEIS3CEm Resource

From: Riverkeeper [info@Riverkeeper.org] on behalf of Dwain Wilder [dwain@bearmeadow.com]
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Nov 21, 2013

Secretary U.S. Nuclear Regulatory Commission Rulemakings and Adjudications Staff Washington, DC 20555-0001

ATTN: Secretary Rulemakings and Adjudications Staff,

The environmental impact statement the Nuclear Regulatory Commission prepared for its "Waste Confidence Rule" in response to New York v. NRC fails to take the adequately assess the future impacts of nuclear waste at U.S. nuclear reactors, including Indian Point, which is located just 35 miles from Midtown Manhattan in New York State.

In the case of nuclear wastes, "the future" extends to tens of thousands of years.

The NRC's environmental study is based the assumption that current regulations and oversight, and the current corporate ownership of each reactor, will continue indefinitely after the reactors are shut down, and will be enough to ensure that the waste is stored safely for thousands of years. By relying on this assumption, NRC has improperly failed to consider what impacts would occur if so-called "institutional controls" fail. "Indefinitely," when the prospect of managing toxins with a half-life of trans-uranic elements range from 28.8 years (Strontium 90) to 24,000 years (Plutonium 239).

The production of such wastes is inherently irresponsible, as they require management beyond the scope of any known human civilization.

That is an environmental impact that, paid forward to the future, dooms our future generations, a further irresponsible environmental impact.

The NRC uses a strict risk/consequence approach, employing a "probabilistic risk analysis" allowing the NRC to underestimate the consequences of an intentional attack, based on its belief that the risk is extremely low. Although the risk might currently be low, the extreme lifetimes, and extreme toxicity of these materials, forecasting into a future further than the capability of any known human civilization is not an adequate basis for environmental impact assessment. Such an assessment carries the inherent implication that we as a species and as a civilization and as a nation have no responsibility beyond our lifetimes and the lifetime of our regulatory powers for producing overwhelmingly toxic materials. This is simply not acceptable.

Thus, NRC's draft EIS must consider the possibility of not relicensing operating reactors so that no additional nuclear waste is produced.

NRC has also improperly failed to examine how the expedited transfer of spent fuel from dangerously overcrowded pools to dry casks would substantially reduce safety and accident risks.

The NRC should perform site-specific risk assessments and environmental impact statements for each U.S. reactor. The reason for this is perfectly exemplified by the Indian Point nuclear power plant, which is unique in several ways:

- Since at least the 1990s, radioactive toxins such as tritium and

strontium-90 have been leaking from at least two spent fuel pools at Indian Point into the groundwater and the Hudson River. The pools at Indian Point are already compromised and are sure to continue causing environmental impacts in the future. For example, in January 2007 Strontium-90 was detected in four out of 12 Hudson River fish tested.

- Indian Point sits at the intersection of two active earthquake faults; these faults could produce upwards of a 7.0 magnitude earthquake, which Indian Point was not initially built to withstand.

The tragedy of the nuclear power plants at Fukushima weigh heavily on the public's mind. We are aware that U.S. designs were used there, and that those designs relied on insufficient backup power generation, allowing the cooling pools to grow hot, resulting in explosions that crippled the plant. We are aware that Japan has now declared that the Fukushima site has exhausted their remediation capabilities and has appealed to the international community for aid.

Although the public is aware of this, the NRC does not acknowledge the possibility that these same design flaws could put U.S. reactors at the same risks.

It is clear that the nuclear waste stored at Indian Point poses a unique risk, which warrants site-specific examination.

It is imperative for NRC to conduct a legally sound and complete environmental review as mandated by the U.S. Court of Appeals. This review must not generically waive off critical risks and impacts associated with the prospect of centuries of nuclear waste storage and individual reactor sites, and must fully consider site-specific concerns, as well as all feasible alternatives and mitigation measures, including not licensing/relicensing plants in order to avoid the production of any additional waste, and requiring the expedited removal of spent fuel from pools and into dry casks to reduce safety risks of pool storage.

Thank you for your consideration.

Respectfully,

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