

## Rulemaking1CEm Resource

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**From:** RulemakingComments Resource  
**Sent:** Thursday, December 26, 2013 9:25 AM  
**To:** Rulemaking1CEm Resource  
**Subject:** FW: NIC Comments on NRC Proposed Waste Confidence Rule and Associated Draft GEIS  
**Attachments:** 131220.NIC Comments on NRC Proposed Waste Confidence Rules and related GEIS.pdf

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

**PR#:** PR-51  
**FRN#:** 78FR56775  
**NRC DOCKET#:** NRC-2012-0246  
**SECY DOCKET DATE:** 12/20/13  
**TITLE:** Waste Confidence—Continued Storage of Spent Nuclear Fuel  
**COMMENT#:** 00668

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**From:** Ed Davis [<mailto:edavis@pegasusgroup.us>]  
**Sent:** Friday, December 20, 2013 3:21 PM  
**To:** RulemakingComments Resource  
**Cc:** [edavis@sustainablefuelcycle.com](mailto:edavis@sustainablefuelcycle.com)  
**Subject:** RE: NIC Comments on NRC Proposed Waste Confidence Rule and Associated Draft GEIS

Secretary:

RE: Docket ID NRC–2012–0246

On behalf of the Nuclear Infrastructure Council (NIC), please see attached comments which are being submitted for the record of the proceedings related to NRC Proposed Rule: “Waste Confidence – Continued Storage of Spent Nuclear Fuel” and the Associated “Draft Waste Confidence Generic Environmental Impact Statement” (78 Fed. Reg. 56621, 78 Fed. Reg. 56776).

**Hearing Identifier:** Secy\_RuleMaking\_comments\_Public  
**Email Number:** 694

**Mail Envelope Properties** (377CB97DD54F0F4FAAC7E9FD88BCA6D0014433C4A0D5)

**Subject:** FW: NIC Comments on NRC Proposed Waste Confidence Rule and Associated Draft GEIS  
**Sent Date:** 12/26/2013 9:24:38 AM  
**Received Date:** 12/26/2013 9:24:39 AM  
**From:** RulemakingComments Resource

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

**Recipients:**  
"Rulemaking1CEM Resource" <Rulemaking1CEM.Resource@nrc.gov>  
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**Return Notification:** No  
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**Sensitivity:** Normal  
**Expiration Date:**  
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**UNITED STATES NUCLEAR  
INFRASTRUCTURE COUNCIL**

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December 20, 2013

Secretary  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555-0001

Attention: Rulemakings and Adjudications Staff

**Re: Docket ID No. NRC-2012-0246/Comments on Proposed Rule “Waste Confidence – Continued Storage of Spent Nuclear Fuel” and the Associated “Draft Waste Confidence Generic Environmental Impact Statement” (78 Fed. Reg. 56621, 78 Fed. Reg. 56776)**

This letter provides comments on the proposed Waste Confidence Rule as published in the Federal Register on September 13, 2013.

The United States Nuclear Infrastructure Council (NIC) -- the leading U.S. business consortium advocate for new nuclear energy globally representing more than fifty companies from every segment of the nuclear fuel cycle -- appreciates the opportunity to comment on behalf of its Back-End Fuel Cycle Working Group. Please note that while these views represent the consensus of the Council, they do not necessarily reflect the specific views of individual members of the Council.

As you know, nuclear energy provides safe, clean, economical and reliable electricity—approximately 20 percent of the Nation’s needs. In addition to the vital importance of the existing U.S. nuclear energy fleet and the jobs, competitiveness and clean energy they provide, additional reactors are currently under construction and more will be needed to meet growing demand. Given that the NRC has announced it does not plan to issue new licenses or renewals until the Court of Appeals’ remand on the waste confidence proceeding has been addressed satisfactorily, the need for urgent action is clear.

Under a separate letter dated January 2, 2013, NIC provided comments on NRC’s Notice of Intent to prepare and Environmental Impact Statement (EIS) to consider the impact of temporary storage of spent fuel after cessation of reactor operation. These comments are incorporated by reference herein. In addition to these comments, NIC wishes make several additional specific points:

- NIC commends the Nuclear Regulatory Commission (NRC) for its broad, comprehensive, and inclusive approach to obtaining public input throughout the development of the draft Environmental Impact Statement (EIS) and proposed rule. The draft EIS provides a thorough evaluation of the environmental consequences of used fuel storage at reactor sites or at consolidated storage facilities following termination of reactor operations.

Page Two of Three, Letter to NRC Secretary transmitting comments on NRC's Proposed Waste Confidence Rule on behalf of the Nuclear Infrastructure Council (NIC), dated Dec. 20, 2013.

- NIC strongly encourages the NRC to continue to adhere to its schedule to complete the rulemaking by no later than August 2014. Given the substantial experience base associated with on-site used fuel storage and extensive environmental analyses performed by federal agencies in the past, the remaining time should be sufficient for completing the EIS and finalizing the Waste Confidence rule.
- NIC concurs with the NRC intent of addressing Waste Confidence generically, through rulemaking, rather than on a site-specific, case-by-case basis. To do otherwise would be unnecessary, extremely inefficient and an inappropriate use of limited NRC budgetary resources.
- NIC encourages NRC to include in its EIS by reference a scenario in which used fuel remains at reactor sites in perpetuity, but is under institutional controls for only about 100 years. This scenario was one of the "no action" alternatives evaluated by the Department of Energy in its Yucca Mountain Environmental Impact Statement. NIC believes that this scenario is theoretical, and not reasonably likely to actually occur. However, the analysis of the scenario was prepared by the DOE in conjunction with its EIS accompanying the Yucca Mountain License Application. Accordingly, including the scenario by reference would ensure that the pertinent information is made available to the public as part of this rulemaking.
- NIC believes that NRC should add a discussion of the lessons learned from the March 2011 accident at Fukushima Daiichi. It is now clear that used fuel in both wet and dry storage at Fukushima Daiichi withstood the various challenges of the event without significant damage. It would be very beneficial from a public understanding perspective if NRC would clarify this point in the supporting information associated with the Waste Confidence final rule.

It is also important to note that the Waste Confidence Decision and Rule depends on a finding that *disposal* capacity will be available. Measurable progress is being made in several countries toward development of a repository as a prudent and viable long term strategy for spent fuel and high-level waste management. A repository is currently prescribed by the Nuclear Waste Policy Act. Deep geologic repositories have been accepted for decades by international experts as a cornerstone of any spent fuel management paradigm.

In response to the U.S. Court of Appeals Mandamus decision, the NRC's recent order to the NRC staff to restart the Yucca license proceeding beginning with a focused effort to update and publish the Safety Analysis Reports is an important first step in demonstrating confidence that a repository can be licensed in a safe and regulatory compliant manner.

Again, we appreciate the opportunity to comment.

Page Three of Three, Letter to NRC Secretary transmitting comments on NRC's Proposed Waste Confidence Rule on behalf of the Nuclear Infrastructure Council (NIC), dated Dec. 20, 2013.

Sincerely,

/s/

Eric Knox, Chairman  
United States Nuclear Infrastructure Council

/s/

David C. Blee  
Executive Director

Identical Letter to:

Dr. Keith McConnell  
Director  
Waste Confidence Directorate  
U.S. Nuclear Regulatory Commission  
Washington DC 20555

Copy To:

Ms. Dorothy Davidson, Co-Chair  
USNIC Back-End Fuel Cycle Working Group

Mr. Paul Grimm, Co-Chair  
USNIC Back-End Fuel Cycle Working Group

Mr. Edward Davis, Senior Fellow  
USNIC Back-End Fuel Cycle Working Group