Clean Water for North Carolina
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Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 205555-0001
ATTN: Rulemakings and Adjudications Staff
(ID# NRC-2102-0246)

Please accept these comments regarding ID# NRC-210-0246, the Waste Confidence Draft Generic Environmental Impact Statement and proposed rule, from Clean Water for North Carolina (CWFNC). Clean Water for NC is a nonprofit organization working with communities for clean water and environmental justice.

We are opposed to all licensing activities that rely on the Waste Confidence rule and question the adequacy of the new Waste Confidence Generic Environmental Impact Statement. CWFNC also finds that the proposed rule (10 CFR. 51.23) is insufficient for realistically predicting potential environmental impacts of indefinite spend fuel storage. **The Draft GEIS should be sent back to the drawing board, the proposed rule should be voided**, and we urge the NRC to consider a permanent cessation of licensing activities, which would halt the future generation of spent fuel.

Comments about the draft Generic Environmental Impact Statement (GEIS) and suggested rule:

-The draft GEIS does not do a full analysis of the potential environmental effects of storing spent fuel onsite at nuclear plants, as ordered by the court. It does not take into account the likelihood of past and future leaks, nor fully consider the consequences of the leaks.

-Adequate proof of no significant environmental impact for long term or indefinite storage of nuclear waste at facilities without a national repository is impossible. The nuclear industry is subject to the same human errors and unpredictable disasters as any other industry, but with hazardous waste that will continue to be a problem for hundreds of thousands of years, there is simply no way to assure a "low" environmental impact.

-The new GEIS does not properly analyze the environmental effects of permanent disposal. It continues to look in a generic fashion at risks across the board at nuclear plants, rather than by conducting a site-by-site analysis of each specific nuclear plant. A site-by-site analysis is necessary, because risks of leaks and fires, especially over the long term, are affected by site-specific factors, such as pool configuration, leak detection systems, and the location of the pool within the plant.

-The NRC continues to maintain that the risk to groundwater and drinking water is low, despite previous studies by the NRC itself that previous leaks "did, or potentially could, impact groundwater resources relative to established EPA drinking water standards" (NRC, *Liquid Radioactive Release Lessons Learned Task Force Final Report*13 (2006); as cited in the courts decision of *New York vs. NRC*)

-By dismissing impacts to drinking water, the DGEIS is neglecting the fact that over the coming century, drinking water security will be low due to global climate change. Any prediction of environmental impacts should prioritize effects on drinking water sources.

-The NRC's Waste Confidence rule, as well as the new GEIS and rule, serve to streamline nuclear plant licensing while still effectively ignoring the problem of what to do with the radioactive waste.

-In creating the GEIS and new rule, the NRC is prioritizing agency efficiency and cost effectiveness, rather than prioritizing health and environmental safety

-The NRC's Waste Confidence policy assumes that all nuclear waste is the same, when different fuel types, such as high-burnup fuels and MOX have different storage considerations and implications for safety.

-The new DGEIS means that extended on site spent fuel storage has the potential to become the default means of disposal, which is unacceptable from an environmental and social standpoint.

General comments about nuclear waste:

-The continued production of nuclear waste, with no safe way to contain or dispose of it, is not an environmentally, economically, or socially acceptable practice. We must stop more from produced.

-Despite two decades, billions of dollars and a federal mandate to do so, there is still no federal nuclear waste depository.

-Even if there was a federal repository, as of 2010, nuclear plants had already generated enough spent fuel to fill that repository. We would need a second, and there is no plan or Act of Congress on the table to address the issue.

-More nuclear waste means more transportation of the waste, on our highways, rails and waterways. The risk involved in nuclear waste transportation is growing exponentially as storage ponds are filling up.

-No human social structure has been stable on the time scale required to handle nuclear waste. The continued presence of these wastes is an ongoing threat to our health, democracy and transparency;

-The increase in nuclear materials due to operation of more nuclear power plants would undermine all efforts to increase nuclear security and prevent proliferation.

-Using temporary storage sites around the country while waiting for a federal repository means more communities would be at risk from radioactive waste, more nuclear sites would have to be safeguarded, and reactor owners can continue making waste without being responsible for managing it.

Comments about Storage Ponds for Nuclear Waste

-The NRC continues to downplay the risk of storage ponds. If fuel rods are exposed, they can overheat, catch fire, and release massive quantities of radioactive material. The NRC continues to consider the environmental impact of these pools "low", even over the course of "indefinite" time periods, over which an accident is all but inevitable.

-Some irradiated fuel pools in the US have been found to be holding up to 9 times the amount of spent fuel for which they were designed

-Pools are not protected by redundant emergency makeup and cooling systems

-Dry Casks stored in Hardened On-Site Storage is a safer alternative to open pools, and is endorsed by over 170 public interest groups in the US as an interim storage solution. Still, spent fuel must be re-casked every 100 years in this system.

Conclusion:

The NRC has treated the Waste Confidence issue as a public relations issue, not as a serious concern for safety and environment. The US has no solution for nuclear waste, and the NRC refuses to admit to the immediate and future risks it poses. Waste Confidence is simply a policy of false promises, used to promote the industry by pretending its real problems don't exist. The DGEIS simply does not provide an environmental analysis that is sufficient to justify eliminating consideration of spent fuel disposal impacts or storage impacts from every licensing proceeding.

There is no safe storage solution for nuclear waste, and NRC's new Waste Confidence policy is no more credible than the one the courts threw out. To continue to pursue licensing on the basis of Waste Confidence—despite the new Generic Environmental Impact Statement and Rule—is illegal and immoral. CWFNC **calls to scrap the GEIS and hold the NRC accountable for individual EIS for each reactor that do not underestimate the likelihood and environmental damage of nuclear waste leakage**. Clean Water for North Carolina opposes the licensing of any new reactors based on the Waste Confidence policy, and calls for a rapid reduction in all nuclear waste being produced, as well as replacement by safe, non-hazardous, non-water intensive, non-carbon sources.

Thank you for this opportunity to submit comments.
Respectfully,

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