Dr. Allison Macfarlane, Chair  
and Members  
U.S. Nuclear Regulatory Commission  
Washington, DC  20555-0001  

November 19, 2012

Dear NRC Commissioners:

This letter is to request that the NRC submit a corrected Federal Register Notice calling for an Environmental Assessment of the NRC’s Waste Confidence Rule. I am also writing to request that the NRC extend the deadline of January 2, 2013, for at least three months within which the public is to be allowed to submit comments on the NRC’s Environmental Assessment of the proposed new Waste Confidence Rule.

It is my understanding that in June 2012, the U.S. Circuit Court of Appeals for the DC Circuit ruled (on behalf of states and environmentalists) that the NRC must conduct an Environmental Assessment (EA) on the risks of long-term irradiated nuclear fuel storage in pools and dry casks at reactor sites. That is, the Court ruled that the NRC’s Waste Confidence Rule is inadequate and that the NRC must suspend all reactor licensing and license extensions pending finalization of an appropriate NRC Environmental Assessment.

The fact is alarming that the nuclear electrical utilities do not know how to isolate the huge amounts of high level radioactive waste (irradiated fuel rods) stored on site in reactors’ spent fuel pools or in dry casks, now and into the indefinite future. I understand that the density in some of the pools is at least four to five times the quantity permitted in the pools’ original designs. I understand that these fuel rods in the pools must be kept cool for at least five years before they are eligible to be removed. I understand that all fuel pools must maintain an assured source of emergency power available to keep their water-intake and circulating pumps running in case of an accident or sabotage. Super-Storm Sandy demonstrated the increased and undeniable risks that our reactors are facing due to climate change.

As you well know, after five years of reactor operation, fuel rods become hundreds of thousands of times more radioactively and thermally hot than when first loaded. With the 2009 cancellation of the proposed Yucca Mountain repository, every reactor site continues to be storing huge amounts of irradiated fuel rods, with most in extremely overcrowded pools. After 70 years of the Nuclear Age, no technology or location exists for the safe and permanent isolation of the high-level radioactive wastes, and may never exist.

Sincerely,

Pat Birnie  
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