

(no)waste confidence!

NUCLEAR WASTE RULE

In 2012 the DC Circuit Court of Appeals invalidated a broad federal regulation which supports all US nuclear power plant licenses. The Court's decision forces the NRC to address the risks of nuclear waste disposal before the power plants near our homes may be licensed or re-licensed. This reckoning is long overdue.

Nevada Dumps the Dump

Tens of thousands of tons of high-level radioactive waste generated by commercial nuclear power plants is stored at scores of plant sites. Following decades of grassroots organizing, political opposition and legal wrangling, on March 3, 2010, the U.S. Department of Energy requested permission from the Atomic Safety and Licensing Board to withdraw its application for a national High-Level Radioactive Waste dump at Yucca Mountain, Nevada. The request was granted.



The Rule Unravels

On February 10, 2011 Blue Ridge Environmental Defense League, Southern Alliance for Clean Energy, and Riverkeepers, Inc. filed a legal challenge of the Nuclear Regulatory Commission's so-called *Waste Confidence Rule*. The rule entitled: "Temporary storage of spent fuel after cessation of reactor operation—generic determination of no significant environmental impact" (10 CFR Section 51.23) presumed that waste stored at the nation's nuclear power plants would go to a waste dump someday. Our lawsuit said that the end of DOE's pursuit of a dump in Nevada invalidated this presumption.

Nuclear License Logjams



Victory came on June 8, 2012 when the US Court of Appeals nullified the Nuclear Regulatory Commission's Waste Confidence Rule.¹ This cleared the way for simultaneous license challenges at scores of commercial nuclear power reactors across the United States. There was no longer any legal basis for nuclear power plant operators to avoid environmental assessments of long-term radioactive waste storage. All new licensing and renewals were halted. The court

cited two significant errors: 1) The NRC rule had simply stated that permanent waste storage would be available "when necessary." In doing so, the agency had failed to calculate the environmental impacts of finding no national waste dump, and 2) The NRC had failed to assess

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the dangers and impacts from leaks and fires during on-site storage of irradiated nuclear fuel in pools and dry casks beyond the expiration of reactor operating licenses.

Following the landmark legal decision, many groups petitioned the Nuclear Regulatory Commission to ensure that the environmental analysis ordered by the Court is properly incorporated into the licensing of nuclear power plants across the nation.

The NRC rushes a sweeping new rule

Before a new waste confidence rule is adopted, detailed long-range environmental impact studies are needed. Some NRC staff estimated that a comprehensive waste confidence EIS should take seven years. The agency must resolve many technical issues including long-term waste integrity, vulnerability, deterioration and accidents. Also, the nuclear waste stored at Fukushima is still being evaluated. Yet the NRC plans to have a new rule in place inside of two years, by September 2014.



To meet its tight deadline, the NRC plans to adopt a revised rule (10 CFR 51.23) based on a general study of the environmental impacts of continued high-level nuclear waste storage, a so-called generic environmental impact statement. Further, the new generic rule would state that environmental analyses for all future nuclear plants and nuclear fuel storage facilities would not need to consider the environmental impacts of continued storage at each specific site.

The NRC's *generic* rule approach remains utterly inadequate to satisfy the requirements of the Atomic Energy Act and the National Environmental Policy Act. The Commission is abrogating its responsibility to allow public to participate in decisions which affect them. A generic basis for nuclear power plant licensing, allowing the creation of more irradiated nuclear reactor fuel, should be accompanied by plant-specific safety and environmental impact studies at the nation's 65 reactor sites, not the one-size-fits-all generic approach now underway.

For decades we at Blue Ridge Environmental Defense League have had no confidence in assertions by the nuclear industry and various regulatory agencies about nuclear waste and we have not been silent about it. A federal court has agreed with us. Now we must use this opportunity to halt the nuclear industry's push for a quick and dirty solution. Due process must come before subjecting the people to environmental hazards. We must inject sanity into the debate on nuclear energy and radioactive waste.

What You Can Do

Attend the NRC's public hearings. Bring others with you.
Register to speak. Tell the NRC to reject the generic EIS and Rule.
Organize your community. ***Say NO to nuclear waste!***

Relevant NRC documents and updates are posted at:
<http://www.nrc.gov/waste/spent-fuel-storage/wcd.html>

Contact us for
additional
information.

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ⁱ *State of New York v. NRC*, USCA Case No. 11-1045, Decided June 8, 2012

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