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June 24, 1999

STANDING FOR TRUTH ABOUT RADIATION

OFFICE OF THE  
PRESIDENTIAL  
ADJUDICATOR'S STAFF

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

DOCKET NUMBER  
PROPOSED RULE **PR** 2, 19, 20 et al.  
(64FR 8640)

Re: Proposed Rule : Disposal of High-Level Radioactive Wastes in a Proposed Geologic Repository at Yucca Mountain, Nevada

The NRC's Proposed Rule would weaken radiation protection standards for the public and the environment by usurping EPA's legally mandated jurisdiction (under the Energy Policy Act of 1992) to set the standards for the proposed Yucca Mountain repository. This would also serve to lower the standards to such an extent that Yucca Mountain might still qualify to serve as the repository for the nation's high-level radioactive waste, despite Yucca Mountain's severe safety shortcomings. The NRC's proposed rule should be withdrawn until EPA promulgates standards, at which time NRC can then modify its repository licensing rule to meet the EPA standards, as required by law.

\* NRC has no legal authority to usurp EPA's legally mandated jurisdiction, under the Energy Policy Act of 1992, to set radiation release, public health, and environmental protection standards for the proposed Yucca Mountain repository. As mentioned above, the NRC's proposed rule should be withdrawn, until EPA promulgates standards, at which time NRC can then modify its repository licensing rule to meet the EPA standards, as required by law.

\* Why should Nevadans living near the proposed Yucca Mountain repository be less protected from radioactive contamination of their water supply than, say, New Mexicans living near WIPP? The NRC rule proposes a lesser standard of protection for Yucca Mountain releases, despite the fact that local Nevadans will also be exposed to radioactivity from two other sources: the Nevada Test Site, and the Beatty "low level" radioactive waste dump. Since groundwater contamination would deliver Yucca's worst doses of radioactivity to nearby residents, water quality must be protected to the fullest extent of the law, which this proposed NRC rule fails to do. Yucca Mountain should have the most stringent of standards, for leakage will only increase over time. Such stringent standards would guard against an unsafe location being licensed for the repository.

\* This NRC proposed rule does not assure adequate protection for future generations of people who would be exposed to radionuclide releases from the proposed Yucca Mountain repository.

Acknowledged by card JUN 28 1999

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\* The proposed rule does not limit the thermal energy output of high-level radioactive waste per unit area of the repository emplacement area, which is a critical design and safety shortcoming. Yucca Mountain's rock may not be capable of containing such high levels of thermal heat and radioactivity.

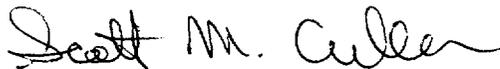
\* Lots can change in 10,000 years. Due to the tremendous uncertainty associated with the proposed Yucca Mountain repository, radiation protection standards for the public health and the environment should be more stringent, rather than the less stringent standards NRC puts forth in this proposed rule.

\* This NRC proposed rule seriously underestimates the potential dangers associated with future, unpredictable human intrusions over the next several centuries or millennia which could breach the proposed repository at Yucca Mountain.

\* Despite the complexity and decades-long process involved with the Yucca Mountain repository proposal, this NRC rule would weaken or undo the requirement that DOE systematically record its decisions that significantly concern safety, how those decisions were made, and what factors influenced them. Given the grave consequences of radiation leakage from a repository, systematic accountability on scientific and engineering decisions related to safety must be upheld.

Thank you for your attention to these comments.

Sincerely,

A handwritten signature in black ink that reads "Scott M. Cullen". The signature is written in a cursive, flowing style.

Scott M. Cullen  
Counsel