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From: <JimWagner@SAFE-mail.net>  
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 Subject: Scoping Process for Environmental Issues

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To: U. S. Nuclear Regulatory Commission (NRC)

Re: Rulemaking on Controlling the Disposition of Solid Materials (Radioactive Waste and Materials Release, Recycling, and Dispersal)  
 Scoping Process for Environmental Issues  
 Federal Register: Feb. 28, 2003 Vol. 68 No. 40 Pp. 9595-9602

BUCKETED  
 USNRC

June 30, 2003 (8:08AM)

From: Jim and Virginia Wagner  
 4897 East Walnut Street  
 Westerville, Ohio 43081  
 JimWagner@safe-mail.net  
 GinWagner@safe-mail.net

OFFICE OF SECRETARY  
 RULEMAKINGS AND  
 ADJUDICATIONS STAFF

Dear Commissioners,

As the NRC is currently undertaking a "scoping" process to determine what issues it will consider in rulemaking, we write to you with our comments. We wish critique each of the options NRC has proposed.

Option 1 Continuing unrestricted release on a case-by-case basis and through license amendments.

=> NRC and Agreement States should stop granting exemptions and stop allowing nuclear wastes to be treated like regular trash or recycled into the marketplace.

=> Current releases should be halted.

=> All releases should be tracked and records kept available to the public.

=> NRC should improve its ability and public knowledge of detection capabilities and practices so as to able to detect and prevent releases of any contamination.

Option 2 Unrestricted release based on dose based standards.

=> Dose-based standards are calculated doses from various amounts of contamination at the point of release. The doses are calculated by contractors who think up scenarios of how the radiation will spread and disperse once it is released from the nuclear site.

=> They apply International Commission on Radiological Protection risk numbers to guess at how much biological damage that radiation might do. But they might not think up the scenarios that really happen, people and radionuclides are unpredictable.

And ICRP has been criticized for underestimating the real risks of radiation--their models were created before the DNA was discovered.

=> And, most importantly, dose and risk numbers are not measurable, verifiable or enforceable. So this option is an open door to unlimited amounts of nuclear waste getting out into commerce.

Option 3 Conditional use or Restricted Release.

=> The public could get significant exposures from so-called restricted uses.

=> If gamma-emitting nuclear waste is used to make roadbeds, we will be exposed routinely on our daily

commutes by car, bus, bike or on foot.

=> If it is used to make sewage pipes, sewage will be even more contaminated if it picks up radioactivity. Towns downstream of sewage facilities clean and reuse that water.

=> That piping could get melted and reused for unrestricted uses.

Restricted release is a foot in the door for unrestricted release.

Option 4 Disposal in EPA landfills.

=> NRC has not excluded incineration or other treatment facilities from consideration as destinations for radioactive waste even though only landfills are identified as options.

=> Landfills leak.

=> Radioactive landfills have had serious problems.

=> Why spread these potential problems to municipal, industrial and hazardous waste landfills, already struggling with their own technical and political problems?

=> Nuclear waste should not be buried in dumps never designed to manage or isolate them as long as they remain hazardous.

=> EPA landfills have a 30 year institutional control period.

=> Some of the radioactivity that could be released is hazardous for literally millions of years.

Option 5

=> Radioactive waste should be stored, managed and isolated from the environment for as long as it is hazardous at facilities specifically licensed for that purpose for radioactive waste.

=> Existing regulations (10CFR 61) for nuclear waste disposal should be strengthened.

In summary, NRC should use this rulemaking to truly devise ways to control radioactive waste, not release it from licensed control.

Thank you for the opportunity to comment.

Jim and Virginia Wagner

CC: <ginwagner@SAFE-mail.net>