

DOCKET NUMBER  
PROPOSED RULE **PR 63**  
(70FR 53313)

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE · COMMITTEE TO BRIDGE THE  
GAP · FRIENDS OF THE EARTH · GRACE PUBLIC FUND · GREENPEACE · NATIONAL  
ENVIRONMENTAL TRUST · NEVADA NUCLEAR WASTE TASK FORCE · NUCLEAR  
INFORMATION AND RESOURCE SERVICE · PHYSICIANS FOR SOCIAL RESPONSIBILITY ·  
PUBLIC CITIZEN · SIERRA CLUB · U.S. PUBLIC INTEREST RESEARCH GROUP · WOMEN'S  
ACTION FOR NEW DIRECTIONS

DOCKETED  
USNRC

September 30, 2005

October 3, 2005 (12:27pm)

Annette L. Vietti-Cook  
Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Re: Proposed Implementation of EPA's Revised Yucca Mountain Radiation Protection Standard**

Dear Ms. Vietti-Cook:

As environmental, public health and consumer organizations representing members of the public, we are writing regarding NRC's Federal Register Notice on September 8, 2005. The Notice describes the methods for submission of public comment on Implementation of a Dose Standard After 10,000 Years (10 CFR Part 63). We are concerned that the comment period deadline – November 7, 2005 – does not provide sufficient time for members of the public to consider the proposal and provide comment. In fact, EPA recently extended its comment period, so the NRC's deadline now ends before the comment period on the underlying EPA proposal.

In addition to voiding portions of EPA's radiation standard, the DC Court of Appeals "vacate[d] NRC's identical standard in part 63 for reconsideration *once EPA reviews its standard.*" In our opinion, and certainly the understanding of the public we represent, the court order means that, NRC should propose an amendment to 10 CFR Part 63 to comply with EPA's standard once EPA has *finalized* a new standard.

Instead, NRC's proposal is being submitted for public comment at the same time as EPA's draft standard. Having both proposals in public comment periods at the same time is confusing and unmanageable, particularly for concerned citizens who are not completely familiar with the scientific issues and policy matters included in one or both of the proposals. Moreover, by releasing its draft before EPA's rule is final, NRC appears to believe that the draft EPA standard will become the final rule – meaning that public comment will have no effect on the rule.

We request that the deadline for comments be extended to 180 days in order to allow full public participation in this process. Please contact Michele Boyd at Public Citizen (202 454-5134 or [mboyd@citizen.org](mailto:mboyd@citizen.org)) with any responses to this letter or with any questions.

Sincerely,

Louis Zeller  
Administrator, Organizer  
Blue Ridge Environmental Defense League

Daniel Hirsch  
President  
Committee to Bridge the Gap

Template = SECY-067

SECY-02

**Alice Slater**  
Executive Director  
GRACE Public Fund

**Jim Riccio**  
Policy Analyst  
Greenpeace

**Judy Treichel**  
Executive Director  
Nevada Nuclear Waste Task Force

**Robert K. Musil, Ph.D., M.P.H.**  
Executive Director and CEO  
Physicians for Social Responsibility

**Dave Hamilton**  
Director, Global Warming and Energy Program  
Sierra Club

**Susan Shaer**  
Executive Director  
Women's Action for New Directions

**Erich Pica**  
Director, Economics Campaign  
Friends of the Earth

**Dan Geary**  
Organizer  
National Environmental Trust

**Michael Mariotte**  
Executive Director  
Nuclear Information and Resource Service

**Wenonah Hauter**  
Director, Energy Program  
Public Citizen

**Anna Aurilio**  
Legislative Director  
U.S. Public Interest Research Group

**From:** "Melissa Kemp" <mkemp@citizen.org>  
**To:** <SECY@nrc.gov>  
**Date:** Fri, Sep 30, 2005 9:12 AM  
**Subject:** Letter Concerning Proposed Implementation of EPAs Revised Yucca Standard

The letter is attached. A copy was also faxed to the Secretary's Office at 9am this morning. Thanks for your prompt attention to this matter,

Melissa

Melissa Kemp  
Policy Analyst  
Energy Program  
Public Citizen  
p: 202.454.5176  
f: 202.547.7392  
mkemp@citizen.org  
[www.citizen.org/cmep](http://www.citizen.org/cmep)

**Mail Envelope Properties** (433D399C.FE8 : 15 : 20456)

**Subject:** Letter Concerning Proposed Implementation of EPAs Revised Yucca Standard  
**Creation Date:** Fri, Sep 30, 2005 9:10 AM  
**From:** "Melissa Kemp" <mkemp@citizen.org>  
**Created By:** mkemp@citizen.org

**Recipients**

nrc.gov  
owf5\_po.OWFN\_DO  
SECY (SECY)

**Post Office**

owf5\_po.OWFN\_DO

**Route**

nrc.gov

**Files**

Files	Size	Date & Time
MESSAGE	285	Friday, September 30, 2005 9:10 AM
Letter to NRC on Proposed Implementation of EPA's Revised Yucca Standard.doc		52224
Mime.822	73431	

**Options**

**Expiration Date:** None  
**Priority:** Standard  
**Reply Requested:** No  
**Return Notification:** None  
  
**Concealed Subject:** No  
**Security:** Standard