

RULES AND DIRECTIVES
BRANCH
USNRC

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To: <NRCREP@nrc.gov>
Date: Fri, Jul 14, 2006 9:50 AM
Subject: Comments on NUREG 1854 Part 2.

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RECEIVED

To USNRC Commissioners
NRCREP@nrc.gov
Attn.: Anna Bradford

5/31/06
71 FR 00967

Dear Sirs and Ms,

Please accept this e mail as my comments on NUREG 1954 Part 2.
Financial problems.

(2)

The nuclear power industry has putting a part of its charges and moneys in a nuclear decommissioning fund. The IRS uses a section of their rules and regulations to allow these licensees to form 761 tax exempt partnerships. These 761 partnerships have been sending a large part of their investment overseas. I am sure that these funds will have a tough time coming back to the US for their intended purpose.

Under GATT, WTO and NAFTA, foreign countries will try to get part of the business and be able to sue domestic companies if they do not comply. Under GATT, the US must allow world wide bidding for waste sites. The US will be in competition with very cheap labor and lands. The decision and awards would be decided in a secret tribunal which has a history of deciding against the US in the case of MTBE in Canada and bananas from a very small country. The result is that much of the waste that could be buried in near by sites will have to be trucked across the US and travel over open ocean, a greatly expanded danger. The NUREG does not explore this scenario. Nor does the NUREG 1854 explore and discuss the added costs and dangers of this scenario. I wonder how much the cost of a freighter grounding off the coast of Atlantic City will cost the gambling industry.

In fact, waste considerations outside the purely technical issues of does, geology, hydrology and doses to the public need consideration. Finances, public relations, war on terrorism do have direct impacts and deserve discussion from more than a purely technical viewpoint.

An important point in discussing funding when the NUREG talks of waste determinations is availability of money to perform to these new regulations while protecting the public health. The first consideration is the protection of public health. There is however the consideration of having the money available to protect the public health. I am pointing out that the investment strategies of the nuclear industry are such that the chance of having that money available in a timely fashion are suspect and worthy of discussion herein.

Site visit:

"The reviewer should visit the site during the review".

I agree!

Hopefully, the reviewer should visit the site; but also, check that the features of the site appear on the site blueprints and maps. Having a contingent of local residents with the site reviewer might add

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Call = A. Bradford (A#B1)

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his ability to see site specifics.

I appreciate that many areas of review are specified. I worry that many areas of interest are not specified: sacredness (Many sites are on Native American sacred land), economics (Is this the best and highest use of resources?), pure water (Is this the best and highest use of this water quality in the area and future?)

Considerations expressed by Commissioner Jaczko:

Along the lines of public health and safety, many other issues remain unsettled.

1. Will the DOE definition of public health and safety equal the NRC requirement to be protective of public health and safety?

What recourse does the public have if the protection is inadequate?

A recent ruling by US District Judge Michael Baylson in *Colacicco v Apotex inc* suggests that the Federal preemption would prevail, and the only recourse would be to sue the Agency if the US government so allowed. That is not much recourse.

According to NRC Commissioner Jackson, 6-12-06, all disasters are local - that each community is unique and local emergency managers must have flexibility to adopt individual solutions.

Unlike the NUREG which attempts not to be prescriptive, Com. Jackson does point out that the lack of perceptiveness actually may hamper first responders and planners.

"I am unable to point to a section of our regulations that explains how long they (evacuations) should take because there is not one." This fluff, no real specific answers, pervades the NUREG without any real meat (answers to specific questions.)

One simple question: What is the probability that the waste will be isolated from the biosphere for the time that it is required to be isolated?

I would also like a definition for reasonable in percent and not fluff.

Things that no one thinks of:

I would like a discussion of the possibility with the new laser and beam generator 'triggers' what would the likelihood of isotopes in low level and incidental waste becoming useful as source material for a nuclear bomb.

Often I hear, "Well no one could have thought of that."

I hear it about the Challenger disaster, the hole corroded in a nuclear pressure vessel, but most of all I hear it about 9-11.

Well I am going to tell you who did think of airplanes going into buildings long before 9-11-01.

I shall tell you who thinks of flying airplanes into buildings, specifically a nuclear power plant called TMI#2.

Environmental Coalition on Nuclear Power had a Contention on the operating license of TMI#2 ongoing for months before the TMI#2 accident. TMI#2 had to fuel with a special permit to fuel at night so that Drs Johnsrud and Kepford of ECNP would not know to get a restraining order in time all because the contention concerning military airplanes flying off the near by military air base and accidentally hitting TMI#2 was never answered.

Anyway Yasser Arafat did the same thing in Africa to 4 airplanes in the 1970s. There were deaths when the Israeli Defense Force intervened, but a lot less than 9-11. And the planes were stopped before they took

off to hit buildings.

In 1947 a B17 hit the 47th or 74th floor of the Empire State Building. I know . I saw the news in the local movie house a few weeks later. That was fast then.

What is the probability of a terrorist hitting a radioactive dump site and the results?

I do not expect the NRC to know the future. I do expect some effort to avoid 'Greek Tragedies.'

Respectfully Submitted,

Marvin Lewis

7-14-2006.

marv

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