

Rulemaking Comments

From: Michael Hubbard [mshubb1@yahoo.com]
Sent: Wednesday, September 02, 2009 9:23 AM
To: Rulemaking Comments
Subject: RIN 3150-AI16 Proposed Revision Comments

DOCKETED
USNRC

September 2, 2009 (3:35pm)

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

2 September 2009

Dr. Gregory B. Jaczko, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Attn: Rulemakings and Adjudications Staff

Via e-mail to:
Rulemaking.Comments@nrc.gov

Re: RIN 3150-AI16

Dear Chairman Jaczko:

I appreciate the opportunity to provide my comments to the Nuclear Regulatory Commission's (NRC) proposed revisions to 10 CFR Part 110 published in the 23 June 2009 Federal Register.

As stated in the proposed revisions, NRC's "changes to 10 CFR Part 110 will facilitate the licensing process for exports and imports of radioactive waste..." Since the Department of Energy has not opened an approved radioactive waste repository, is currently 11 years behind schedule for doing so, and the current effort toward opening the repository at Yucca Mountain is years in the future (if ever opened), I fail to see how accepting importations of radioactive wastes into the United States fits the NRC's mission to protect human and environmental health. Furthermore, even if Yucca Mountain was approved and opened as a repository tomorrow, our current stockpiles of radioactive wastes would fill this repository. No progress has been made to locate and approve a second repository. In fact, no country in the world has found a way to isolate the long-lasting radioactive wastes generated by nuclear energy and weapons facilities from the environment for the entire duration these wastes remain hazardous.

Increasing the shipments of low-level radioactive wastes also increases the risk of the inevitable transportation accident. Even the successful shipment of radioactive waste results in some exposure to the environment and human populations. NRC needs to produce an Environmental Impact Statement to address increased importation of radioactive wastes from foreign countries and shipment within the United States.

Please be reminded of the NRC's mission:

"To regulate the nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, to promote the common defense and security, and to protect the environment. [emphasis added]

It is inconceivable to me that facilitating the shipment of radioactive waste into the country, when an acceptable method of disposal has not been found, meets the NRC's mission of protecting either human health or the environment. As a citizen of the United States dependent on your commission's protection, I would like to see a moratorium on imports of radioactive wastes until an approved repository with the capacity to handle such wastes is open. I certainly do not see how facilitating the import and export of radioactive wastes, basically making them a commodity, meets the NRC's stated mission since **all** radiation exposures increase risks and the EPA has set a Maximum Containment Level Goal of zero for all radionuclides.

It is my understanding that the proposed revision of 10 CFR 110 was initiated because EnergySolutions believed the current regulations to be overburdensome. This apparent pandering to the interests of a corporation by the NRC is disturbing. Especially when the proposed revisions are presented by the NRC as an effort to facilitate import and export of radioactive waste shipments and no Environmental Impact Statement has been performed in accordance with the National Environmental Policy Act (NEPA). The NRC needs to provide support that it is upholding its duty to protect human and environmental health. I am dumbfounded by NRC's illogical belief in being exempt from NEPA in making this revision. Have NRC staff read the NEPA language recently?

The NRC appears to have lost sight of, or be unable to fulfill, its duties to protect human and environmental health. Examples of this include the continued licensing and extension of licenses for nuclear energy facilities when no long-term repository exists for the highly toxic waste streams these facilities generate, failure to previously track Category 1 and 2 radioactive sources from "cradle to grave," failure to require monitoring of radioactive tritium from nuclear power plants (tritium is the largest routine radioactive waste discharged from nuclear power plants), and use of "reference man" in human exposure risk evaluation which does not adequately protect women and children.

The proposed revision to track nuclear wastes from "cradle to grave" is the only improvement in protection of environmental and human health supported in the text of this proposed revision, and one that is embarrassingly long overdue, considering how long we have had a program doing that for all other hazardous wastes.

I hope, Chairman Jaczko, that you can bring the NRC to perform its required duties. I hope you start by placing a moratorium on any radioactive waste shipments into the United States until a repository to receive such wastes is approved and has the capacity to first handle radioactive wastes generated within the United States. Then I hope to see an Environmental Impact Statement that evaluates the cumulative impacts of shipments of all radioactive wastes from existing and new nuclear energy facilities, including shipments resulting from license extensions likely to be granted to existing nuclear energy facilities, and in combination with increased shipping of radioactive wastes expected to result from the proposed revisions to 10 CFR 110.

Thank you for considering my concerns.

Sincerely,

Michael S. Hubbard

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