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General Comment

See attached file(s)

Attachments

NIRS SCSC and SEED comments on NRC docket 2014 -0080

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Comments on NRC "Low Level" Radioactive Waste Strategic Assessment

Docket ID NRC-2014-0080

Nuclear Information and Resource Service (NIRS)

Sustainable Energy and Economic Development (SEED) Coalition

Sierra Club South Carolina

September 15, 2014

Adopt the precautionary principle and when in doubt, do no harm.

We recommend that the Nuclear Regulatory Commission (NRC) update its strategic assessment on "low-level" radioactive waste to a holistic, pollution-prevention, precautionary-principle based approach. Take into account the additional anthropogenic radiation already in the biosphere from licensed nuclear activities, when considering adding to it. This is consistent with the NRC's mandate and would not only better protect the public and the planet, but would increase the commission's credibility with the public.

Consider a strategy redirecting 'flexibility' toward a goal of reducing radiation exposure.

Exert your "flexibility" by adjusting regulations to *increase public health protection* rather than fostering more ways to more cheaply dispose of nuclear waste, release radioactivity and relieve generators of liability. This is especially important as radiation continues to be shown to be more harmful than previously thought.

Historically, NRC has regularly changed regulations at industry request. Our request is to enforce what is on the books and only make changes that better protect the public health.

NRC develops regulations and strategy to facilitate the nuclear power industry's desires to continue generating radioactive waste with the goal of removing the liability as quickly and completely as possible from the licensee/generator. As radioactive waste disposal sites across the country leaked and had to close, and access to existing sites was limited or not available, the NRC provided guidance for on-site storage of so-called "low-level" radioactive waste. This was especially important when new nuclear waste generating power reactors were being proposed. NRC allowed the nuclear industry essentially to write the "guidance" to give the illusion that the new waste would be managed thus should not be an impediment to creating more of it. NRC staff several times argued against consideration of contentions from the public regarding "low-level" radioactive waste during new reactor licensing proceedings.

NRC has moved from its strong preference for permanent disposal (still the preference) of radioactive waste to allowing plans for indefinite storage at nuclear reactor sites as needed by the nuclear power industry in the absence of disposal capacity.

NRC reinterpreted its position which was historically against deliberately changing the concentration of wastes to meet acceptance criteria at disposal sites so that that very action could take place. By "clarifying" that the time of compliance, or point of defining the waste class, would be at the disposal site, NRC allowed the waste industry to process wastes to gain access to existing disposal sites in Utah or elsewhere. NRC essentially opened the door to a whole new step in the fuel chain-- processing the waste to meet the disposal criteria of available waste sites. EnergySolutions in Tennessee was granted a license for "blending" after a literal wink and nod from the head of the NRC to the head of the Tennessee Department of Environment and Conservation.

Public interest advocates' input has not been adopted by NRC. We ask for some amount of incorporation of public interest recommendations into NRC strategic plans.

NIRS and representatives of communities and organizations most directly affected by so-called "low-level" radioactive waste have been participating for decades in meetings set up by NRC and Nuclear Energy Institute (NEI) regarding radioactive waste strategy and regulations. We are not aware of our input being incorporated into the strategic planning. The bottom line has been to facilitate nuclear power assuring whatever is needed for continued generation, processing, increased routine releases, repeated efforts at deregulation and leaky burial of nuclear power waste by increasing allowable concentrations in air, water and sewage, even into marketplace.

Remove all forms of Deregulating Radioactive Waste from NRC Strategic Plan

We continue to oppose deregulating radioactive waste. One of the ongoing efforts woven in to every NRC assessment continues to include some mechanism for Below Regulatory Concern (BRC), release, clearance, exemptions, exceptions, or other mechanisms to allow hard-to-detect radioactive waste out of control.

Once again, we ask NRC, to remove all aspects of nuclear waste deregulation from your strategic planning. Save the time and effort by improving the requirements for isolating radioactive wastes at licensed facilities rather than legalizing dispersal.

Obviously the NRC is fully committed to deregulating nuclear waste. The public, however, is more committed to preventing it. We ask NRC to stop pushing all the many creative forms of Below Regulatory Concern or BRC.

After NRC's BRC policies were overturned by Congress in the Energy Policy Act of 1992, NRC sought international nuclear agency assistance to set clearance standards could be used to force the US to deregulate nuclear waste. The public has fought repeated efforts by NRC and other agencies in various forms over a dozen times in the past 29 years. Cities, counties, states, community, religious and environmental groups, labor unions and individuals have passed resolutions, petitioned, written, demonstrated and in every other democratic way expressed opposition to the deliberate release of manmade radioactive waste from regulatory control. Over

a dozen US states passed laws requiring continued regulatory control even if NRC deregulates nuclear waste.

In an effort to give the impression of a scientific basis for dispersing radioactive waste, NRC hired the National Academies of Science to pick a clearance level for them. The idea of calling it Very Low Level Waste was tried in an effort to help minimize the radiation concern, but NAS did not provide a “safe” clearance level.

NRC hired SAIC to carry out a rulemaking to pick a legal release level, but SAIC was found to have a conflict of interest in that they had a simultaneous contract with DOE that would have provided them more profit based on more waste being deregulated at a higher clearance level.

Do not streamline or make generic the 10CFR20.2002 regulation for alternative methods of radioactive waste disposal. Publicly report all 20.2002 requests and related documents.

The NRC strategy for radioactive waste continues to include the publicly unacceptable concept of releasing or clearing radioactive waste. This includes letting radioactive waste go to places (storage, processing, disposal, commercial recyclers, incinerators, reuse) that will not regulate it as radioactive.

NRC now allows case by case deregulation [10 CFR 20.2002] under the same regulation that allows radioactive burial on licensees’ property. We ask that these procedures be more publically noticed and reported and that they not be streamlined. They permit “alternative methods of disposal” at other than radioactive licensed facilities, thus sending radioactive wastes to solid or hazardous waste facilities or into “recycling,” radioactively contaminating recycling streams and products produced from recycled materials.

We call in NRC to stop wasting its resources trying to come up with more ways to let nuclear waste out of control and to charge those who make the wastes with whatever costs are needed to isolate and regulate them for at least 10 to 20 half-lives of the radionuclides present.

“Risk Informing” Decisions, Performance Assessment

If the NRC were to use its own risk numbers for the harm radiation does (to the “average member of the critical group, standard man and updated gender and age-averaged phantoms used in dose calculations) but then multiplied by the number of times greater risk that radiation causes to germ cells, fertilized eggs, embryos, fetuses, female children for most cancers and male children for male cancers, then added or multiplied by estimated risks for non-cancer health effects known and suspected from ionizing radiation, with additional factors for synergistic health effects, reduced immunity thus greater susceptibility to diseases and birth defects beyond the first 2 generations, then *maybe*, the idea of “risk based” decisions *might* be less objectionable.

Allowing NRC and Agreement State-licensees to make their own “risk informed” decisions that result in increasing their economic income at the expense of the environment and public health is a conflict of interest that is simply unacceptable.

We share the concerns expressed in the separate comments of HEAL UTAH regarding Performance Assessments (PAs) which NRC would allow to expand licenses and increase the amount and longevity of waste and radioactivity at disposal sites.

We add or emphasize the concern that the thousands of assumptions that are included in PAs are not only secrets to the public, but could have little or no basis in reality. There are clever tricks that can be used to dramatically shift the projected risks in any PA. Such assessments fail to protect the more vulnerable stages of human and other species' life-cycles, such as reproduction and development of reproductive cells and tissues. The models and PAs do not account for the propensity of some radionuclides to concentrate in certain tissues that cause greater exposure and risk to embryos, fetuses, babies and children. The models fail to even consider non-cancer health effects or birth defects beyond the second generation.

NRC has moved in the direction of so called "risk informing" decisions with the industry and NRC, who have very different understandings of radiation risk than the public which is subjected to the radiation. In theory risk information could make sense if one admitted that low dose radiation is risky. In fact, federal agencies and the National Academies of Science continue to concede that there is no safe dose of ionizing radiation, yet the Nuclear Regulatory Commission assumes it is acceptable to expose all ages and genders to increasing amounts of long-lasting known carcinogens.

In this planetary age, when the finite nature of our earth and her resources are more commonly understood than in the early days of splitting of the atom, it is time for the Nuclear Regulatory Commission to adopt the precautionary principle and move to a goal of preventing exposure to ionizing radiation. This is especially important when the longevity of the danger from long-lasting radionuclides renders decisions about them essentially irreversible.

We support the authority of states to set stricter than federal standards to better protect its residents and environment.

NRC should not declare adequacy and compatibility levels that in any way impede the ability of states to provide greater protection than NRC or other federal entities. Whether or not a state is an agreement state, it should not be prevented from protecting the public.

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