

RulemakingComments Resource

From: Debbie Don <dbeedon@outlook.com>
Sent: Thursday, July 16, 2015 5:39 PM
To: RulemakingComments Resource
Subject: [External_Sender] Docket ID NRC-2011-0012

July 15, 2015

Regarding – Docket ID NRC-2011-0012

Dear United States Nuclear Regulatory Commission,

I am writing regarding the proposed rule change on Low-Level Radioactive Waste. I appreciate the opportunity to voice my concerns. However, I am skeptical that the die has already been cast.

I am a concerned citizen of Utah, and want to request you, the Commissioners, to please take a long hard look at the following concerns:

1. Leaving depleted uranium classified as a Class A waste.

- a. I do not understand how you as Commissioner's, can let this loophole in the law continue. Class A waste is the lowest level waste classification by the federal government. Class A waste decays away after 100-200 years. Depleted Uranium, by Energy Solutions' own estimate will remain with us and get "hotter and hotter for 2.1 million years." Forever. Forever.

My fellow Utahns and I urge you to correct this classification error.

At the June 10, 2015 meeting in Salt Lake City, the NRC representatives stated the NRC "recognized there were other issues that we would need to address and should address, and those issues had to do with trying to address any other waste streams that might come along in the future so that we don't have to continuously revise our regulation for new waste streams."

My fellow Utahns and I urge you to not disguise depleted uranium as a Class A waste category, a move that everyone knows is an unwise decision, and that your own professional staff has questioned. Please do the right thing.

Please create a classification that addresses elements that get hotter and hotter, for over 500 years. Risk inform the public of the waste classification tables that

are in the regulation. This new classification would include depleted uranium and “any other waste streams that might come along.”

- b. To do nothing, at this time, when you know it has been proven that depleted uranium is hotter than traditional Class A waste is negligent. Even our Governor Gary Herbert “has a hunch it’s hotter than Class A waste and should be reclassified as something else.” Doing nothing sets up the State of Utah for legal cases and will become a drain on our legal system.

Utah Code Ann Section #19-3-103.7 reads:

“No entity may accept in the state or apply for a license to accept in the state for commercial storage, decay in storage, treatment, incineration, or disposal:

- (1) class B or class C low-level radioactive waste; or
- (2) radioactive waste having a higher radionuclide concentration than the highest radionuclide concentration allowed under licenses existing on February 25, 2005, that have met all the requirements of Section 19-3-105.”

Waste hotter than Class A waste is illegal in our State. Without your proactive leadership and preemptive response to federal direction on this waste classification, this issue could be tied up in the Utah court systems for years.

- c. To allow this loophole to continue sets up the opportunity for Energy Solutions’ to slide depleted uranium into Utah under the radar, while you, the NRC Commissioners drag your feet on classifying depleted uranium correctly once and forever. This creates mistrust among the public for our federal agency that is to regulate and take charge of this issue. Depleted uranium has been on your radar screen since the 1980’s. Estimates on the government contracts that Energy Solutions may likely earn range from \$15 to \$20 million dollars per year.

2. Requiring that each state issue a Performance Assessment to companies’ that want to dispose of depleted uranium.

- a. This will surely result in consultant companies, across the board, fighting their sides – whether it be for the people of the state, or for the companies that want the very lucrative government contracts to dispose of this very toxic waste.
- b. Please consider that Energy Solutions and their consultants have been going around and around with the state of Utah for approximately five (5) years. To reiterate, it will be the “consultants’ wars.” And the companies/consultants that have the most money and time to keep back-and-forth consultant reports going - wins. Not only do the tax payers get taken advantage of and exploited, but eventually payola can get in the way and the only ones that profit are the consultants. There is a long history here in Utah, in which Energy Solutions’

- once known as Enviro Care bribed Radiation Control Board persons to get their way, and licenses approved. As you must know, the waste industry is a huge mean machine with a lot of money to be made. The federal government needs to dispose of over 750,000 metric tons of depleted uranium. Allowing Energy Solutions' to accept depleted uranium before you classify depleted uranium as a waste hotter than B or C class waste is allowing the cart before the horse.
- c. As discussed in the SLC meeting, the foxes will pretty much be guarding the hen house. As referenced in the SLC discussion, "you have made an elaborate calculation system analyses that is done by the same people who will receive the waste and profit from it, and all they have to do is carry out some equations. Then you guys see if the equations look right, and then they can pretty much put any waste into these disposal sites that they want, and there will never be any consequences that they have to bear.
 - d. This system of every state having a different performance assessment process with different local requirements, different local storage conditions, different local climate controls, different local environmental demands, different intruder scenarios, different control procedures, different on and on and on. Every state will have different requirements and laws/statutes to follow.
 - e. Another example of the fox guarding the hen house was discussed in SLC on June 10, 2015. NRC staff stated the existing regulation does not require an intruder assessment. It was stated, "So, that is the key part that the waste streams that are significantly different than what was analyzed in the early 1980's you had – somebody has to do a new intruder assessment, whether it's the **regulator or the licensee**. And in these **“proposed regulations, it is the licensee** that is going to perform that analyses.”

3. Burying depleted uranium in a shallow grave approximately 10 feet underground, on top of a water table, is sound reasoning for millions of years.

- a. This just doesn't pass the smell test. Don't let this come back and haunt your legacies, don't go against what your own experts have found and documented. Sheer ignorance, coupled with poor government oversight and pure-old greed, is often a recipe for disaster. One of the worries at Clive, Utah is site abandonment. The hedge fund that now owns Energy Solutions' could flip the site after receiving government contracts. New owners may be foreign and not grasp their responsibilities due to the lack of regulation and oversight. There are so many stories of waste, contamination and destruction of people's lives. Ten (10) feet is the height of a professional basketball standard. Love Canal, Three Mile Island, and our own Utah Down Winders.
- b. In our June 10, 2015 meeting in Salt Lake City it was stated that your staff was directed by you, the Commissioners, to "conduct an analysis to determine whether or not we believe that the large quantities of depleted

uranium were, in fact, suitable for near surface disposal. ... Our analysis showed us that it was, provided certain – under certain conditions. ...we also recognized there were other issues we would need to address and should address, and those issues had to do with trying to address any other waste streams that might come along in the future so that we don't have to continuously revise our regulation for new waste streams. There was considerable direction from the commission direction to us...meaning the five, the five commissioners.”

4. Rulemaking Extension

- a. I would like to request that the NRC extend the rulemaking with additional sections to include:
 1. New Classifications for waste that gets hotter over 500 years and also risk inform the waste classification tables that are in the regulation.
 2. An extension on the Comment Period and the technical back up documents.
- b. Yes, as discussed at the SLC meeting on June 10, 2015, I do believe the NRC – MUST present and offer another rulemaking forum that definitely addresses the specific classification of depleted uranium and also risk inform the waste classification tables that are in the regulation. The states and the public that have depleted uranium anywhere near -they MUST be informed and involved in another rulemaking specific to these issues.

5. Scope of Analyses – Compliance period, the protective assurance period, and the performance period and the defense-in-depth protections.

- a. It was mentioned in our SLC Meeting, that siting characteristics are in section 61.50 and reference things that are looked at regarding the site. Three of the four topics mentioned are at best questionable regarding the Energy Solutions' site.
 1. Is the site going to flood – and Is the water table going to fluctuate? To quote a recent local newspaper article “Most Utahns are familiar with Lake Bonneville that filled the valley of western Utah as recently (geologically) as 15,000 years ago. The Great Salt Lake, Utah Lake and Lake Bonneville are manifestations of a single expanding and contracting lake system that has flooded Clive many times. There can be little doubt that it will happen again. The only question is when.”
 2. How much seismicity might you have? I hope all of you have heard of the Wasatch Fault.
 - 3...I have to mention the fact that the performance assessment timeframe goes from zero to 10,000 years although all data

points to this toxic material being hot for 2.1 million years.

- b. As discussed with us in the June 10, 2015 SLC Meeting, Yes, I believe the NRC – MUST present and offer another rulemaking that definitely addresses the specific classification of depleted uranium and also risk inform the waste classification tables that are in the regulation. The public and states that may have depleted uranium anywhere near them, must be informed and involved in another rulemaking specific to the classification of depleted uranium and also risk inform the waste classification tables that are in the regulations.

I urge you to please:

Reclassify depleted uranium and require risk information regarding the waste classification tables that are in the regulation.

Stop the Consultant Wars. Let your professional staff do the jobs they were hired to do. Support the recommendations they have made without interfering with their expertise. Do the job you were commissioned to do listen to your own experts.

Consider historical scenarios and model leadership with a proactive direction on this serious issue of depleted uranium disposal.

Extend the rulemaking and comment periods if you need additional studies and information. Do not rush to a judgement that may have long lasting, health-related risks and environmental consequences that may harm others and haunt you.

Look at the overall Clive Utah site, for geological, seismic, and environmental concerns and repercussions.

Please reconsider this rulemaking. Even the NRC experts are uneasy with this proposed rulemaking and guidance document.

Debbie Don
Salt Lake City, Utah