

SUNSI Review
 Complete
 Template = ADM-013
 E-RIDS=ADM-03
 ADD: Marlayna Doell

As of: 4/2/20 8:39 AM Received: March 31, 2020 Status: Pending_Post Tracking No. 1k4-9fva-6rpo Comments Due: April 20, 2020 Submission Type: Web

PUBLIC SUBMISSION

COMMENT (41)
 PUBLICATION DATE:
 3/6/2020
 CITATION 85 FR 13076

Docket: NRC-2020-0065

Transfer of Very Low-Level Waste to Exempt Persons for Disposal

Comment On: NRC-2020-0065-0001

Transfer of Very Low-Level Waste to Exempt Persons for Disposal

Document: NRC-2020-0065-DRAFT-0040

Comment on FR Doc # 2020-04506

Submitter Information

Name: J Kusy

General Comment

(1) This interpretive rule would authorize the transfer of licensed material to persons who hold specific exemptions for disposal without a case-by-case review and approval of the transfers. Do you think that case-by-case review and approval of these transfers is necessary?

How can they not be? Who is guaranteeing quality assurance of exempt entities/persons? Compliance of safety rules? Who becomes the responsible party for reparation, reclamation, restoration? In the oil and gas industries companies never seem to be held accountable once the wells are defunct, they sit rusting for eternity. Why is there no accounting of reclamation in their initial permitting?

(2) Transboundary transfer of VLLW associated with the approved disposal actions is an important consideration. What issues associated with transboundary transfer of VLLW should be considered with this interpretive rule?

Regulations of safe transport allow for "exempt" transfer, e.g. interstate? And this would be wise? Remember that VLLW "contains some residual radioactivity" and municipal landfills have historically had drainage issues posing threats to local communities. What are the mechanisms for restoration when leaks occur? And reparations? Are the "exempt" entities to be held liable? Have we learned nothing from Dark Waters? Also: In this gap several nightmare scenarios can be imagined: "ensure that the 25 millirem per year cumulative dose limit is not exceeded" and "The term VLLW is not defined by statute or in the NRC's regulations" and "If the NRC licensee proposes to dispose of the material in an unlicensed facility under Agreement State jurisdiction, then the Agreement State would separately authorize such disposal, whether by license, exemption, or other regulatory vehicle." There is JUST TOO MUCH WIGGLE ROOM in the loose undefined terminology here, this poses a regulatory and enforcement fiasco.

(3) 10 CFR 20.2006 states that "[a]ny licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility must document the information required on NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with appendix G to 10 CFR part 20." Should the exempt persons authorized to dispose of certain VLLW that would be considered 20.2001 "authorized recipients" under this proposed interpretive rule be required to use Uniform Waste Manifests (consistent with 20.2006) for waste transferred to the exempted disposal facility?

Who exactly are the exempt entities? Companies whose interest are for-profit or community safety? Have we learned nothing from fracking damages from containment leaks into irrigable waters, the water table, and wells?

(4) Are there any other criteria that the NRC should consider when it reviews a request for a specific exemption for the purpose of disposal?

What is the primary benefit of this interpretive "change," cost savings? And if so, weighed against more loopholes of oversight, conflicts of interest, politicized interests, separation of scientific assessment? Why would waste disposal companies like Waste Management, be supportive of exempt entities if liability of said entities might fall back on them?

(5) The regulation in 20.2001 is currently identified as a compatibility C regulation for purposes of Agreement State compatibility. In light of this proposed interpretive rule, does the compatibility designation raise issues that the NRC should consider?

What is being lost in translation here or hidden by jargon? If "The purpose of the VLLW scoping study is to identify the actions that the NRC should take to strengthen its regulatory framework for VLLW," how is this strengthening it? Again, who does designation of Exempt allow, could it be your neighbor? Or companies who benefit in moving this waste off site? BAD IDEA. This interpretive change only WEAKENS rules currently in place.