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**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-0116

Comment on FR Doc # 2020-04506

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## Submitter Information

**Name:** Roxanne Brown

**Submitter's Representative:** Roxanne Brown

**Organization:** United Steelworkers

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## General Comment

See attached file(s) from United Steelworkers International Vice President At Large, Roxanne Brown

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## Attachments

20 05 19 USW Comments on NRC proposed waste transfer rule



**Roxanne D. Brown**  
International Vice President At Large

May 19, 2020

Filed electronically: <http://www.regulations.gov>  
Docket ID: NRC-2020-0065

The Honorable Kristine L. Svinicki  
Chairwoman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**RE: Comments on the Nuclear Regulatory Commission Agency's  
"Transfer of Very Low-Level Waste to Exempt Persons for Disposal"  
Proposed Interpretive Rule; Request for Comments (NRC-2020-0065)**

Dear Chairwoman Svinicki:

These comments are submitted on behalf of the members of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union ("United Steelworkers" or "USW"). The USW represents working people across the Department of Energy (DOE) nuclear complex, as well as the private nuclear sector, and has a long-established Atomic Energy Workers Council (AEWC). The union also has partnerships with environmental advocates and with many community-based organizations.

The USW strongly opposes the proposed interpretation rule by the Nuclear Regulatory Commission (NRC): *Transfer of Very Low-Level Waste to Exempt Persons for Disposal*. **Our union strongly urges the NRC to refrain from finalizing this proposed rule.**

There are three primary issues with the proposed rule; very low level waste (VLLW), as it is defined in the proposed rule, is not defined by statute or in the NRC's regulations; transferring waste, even VLLW, to an exempt location requires workers with little to no training to handle contaminated material leading to a greater probability of mishandling or improper disposal; and the proposed rule lacks requirements to monitor surrounding soil and ground water from any exempt waste location to ensure there is no increase of radiological contamination outside of the potential dumping sites.



VLLW is not defined by statute or in the NRC's regulations and leaves too much to interpretation. The rule refers to the lowest level of Class A waste, but simply referring to this type of waste provides insufficient protection to workers and the communities surrounding the receiving company's premises and the disposal site or sites. The proposed rule states if the cumulative dose for waste were to be maintained below 25 millirem per year, it would be eligible to be exempt and transferable to a non-licensed vendor for disposal by burial. By the NRC's own admission, this definition is not reflected anywhere in legal statute or in the NRC's regulations. Our union opposes using a standard that is vaguely defined and not reflected in either statute or regulation.

The USW represents atomic workers across the DOE complex in multiple trades and job descriptions, including nuclear waste removal and handling. Our members are trained to remove, handle, and transport nuclear waste of all dosage levels. One example where our members have extensive training and experience is at the Waste Isolation Pilot Plant (WIPP) in Carlsbad, NM.<sup>1</sup> Putting nuclear waste, of any dosage level, in the hands of undertrained and unqualified workers is not only a bad decision for business and the environment, but hazardous to the people doing the work. The USW would insist that any worker who is to handle nuclear waste receive adequate training, supervision, and mitigating protection.

There is no specific language in the proposed rule calling for follow up monitoring for soil and ground water contamination after the waste transfer. There is no specific language in the proposed rule covering ongoing monitoring for unexpected or cumulative radiological hazards. Garbage burial dumps around the nation end up getting repurposed for public use business and recreation. There are approximately 10,000 shuttered landfills in the United States, many of which are finding a new lease on life as innovative ideas for repurposing the land are explored.<sup>2</sup> These sites become golf courses, youth soccer fields, amphitheaters, ski resorts, and a multitude of other uses. It is unconscionable to consider putting nuclear waste in these locations where our communities will live with the toxicity and dangers for the entire life cycle of the waste. At USW represented facilities, we have experienced soil and water contamination that was not expected. The clean-up for this contamination has substantially burdened American taxpayers and the environment. A few examples are mercury contamination of soil and ground water of the East Fork Poplar Creek near the Oak Ridge National Laboratory<sup>3</sup> in Tennessee, soil contamination<sup>4</sup> from the Hanford Tank Farm in Washington state<sup>4</sup>, and a plume of trichloroethylene contaminating the ground water around the Paducah Gaseous Diffusion facility in Kentucky.<sup>5</sup>

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<sup>1</sup> <https://www.wipp.energy.gov/>

<sup>2</sup> <https://www.wastedive.com/news/life-after-the-landfill-sites-find-new-life-when-repurposed/244568/>

<sup>3</sup> <https://www.wbir.com/article/news/local/oak-ridge-a-look-into-the-superfund-sites-environmental-cleanup/51-552401280>

<sup>4</sup> <https://www.hanford.gov/files.cfm/HOA.pdf>

<sup>5</sup> <https://www.ncbi.nlm.nih.gov/pubmed/21468904>



Furthermore, at a bare minimum the NRC should establish a rigorous definition of what it considers to be VLLW. If need be, it should revisit the tables at 10 CFR 30.70 and 30.71 as a way of coming up with a more precise definition. It should also define what it means by 25 millirem annual exposure. Is this exposure from one mile away from the boundary of the facility or from the exact location of the buried waste? Whatever limit the NRC were to choose, it should be very specific about the risks to workers, neighbors, and community members who might use the surface of the site were it to be repurposed.

There are five specific areas on which the NRC requested specific comment. On these issues the USW offers the following:

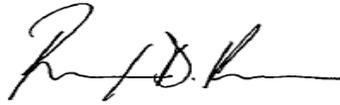
- Item No. (1) “This interpretive rule would authorize the transfer of licensed material to persons who hold specific exemptions for disposal without a case-by-case review and approval of the transfers. Do you think that case-by-case review and approval of these transfers is necessary?”
  - Given the long-term effects of solid waste disposal, a case-by-case review before turning over licensed radiological materials to unlicensed parties for disposal in unlicensed facilities is essential. The NRC needs to give far more attention than is apparent in the proposed rule to the long-term effects of even relatively low levels of radiological contamination in unlicensed facilities.
- Item No. (3) “10 CFR 20.2006 states that ‘any 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?”
  - In order to provide uniform tracking of the location and disposal of radiological materials, it is crucial for any unlicensed parties allowed to handle and dispose of radiological waste, particularly at unlicensed facilities, to be required to use Uniform Waste Manifests, consistent with 10 CFR 20.2006. Indeed, this should be required, even if the NRC withdraws this proposed rule and retains its current case-by-case reviews of allowing radiological waste to be transferred to unlicensed parties for disposal.
- Item No. (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?”
  - Because there currently is, per the proposed rule, no requirement that state requirements for exempt disposal facilities be at least as stringent as those subject to direct federal oversight, there is a possibility, given the



vagueness of the criteria stated in the proposed rule, that state standards more lenient than the federal standards could cause such state-regulated facilities to be an even greater long-term risk to workers at the sites, people in the surrounding communities, and people who would use the surface of the site later after it had been repurposed, than might be the case with the federally-regulated non-licensed sites. Therefore, any proposed change of the guidance in the direction of this proposed rule should strengthen the compatibility requirements for facilities located in Agreement States.

The United Steelworkers asks the NRC to withhold issuing this proposed rule and strongly urge you to reconsider. The minimal monetary costs this rule may reduce is not worth the costs to workers, our communities, and our environment. We stand with those who oppose this rule, while continuing to support the ongoing mission of the cleanup of our nation's DOE nuclear sites.

Sincerely,



Roxanne D. Brown  
International Vice President At Large

