

From: Xiomara J. Duran <xiomiduran@yahoo.com>
Sent: Wednesday, October 21, 2020 3:36 PM
To: VLLWTransferComments Resource
Subject: [External_Sender] Comments on Docket ID NRC-2020-0065

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

RE: Comments on Docket ID NRC-2020-0065

October 20, 2020

Dear Sir/Madam,

On March 6, 2020 the Nuclear Regulatory Commission (NRC) proposed an interpretive rule titled “Transfer of Very Low-Level Waste (VLLW) to Exempt Persons for Disposal” (Docket ID NRC-2020-0065), as recorded in the Federal Register. I am writing this comment to urge NRC to withdraw this proposed interpretive rule. I am opposing the proposed interpretive rule on the basis that deregulation of the disposal of radioactive waste from nuclear reactors and other nuclear waste puts at great risk public health and safety as well as the environment. The NRC should instead allocate resources towards improvement of current standards for land disposal of low-level radioactive waste, and make efforts towards institutionalizing environmental justice within the agency.

The NRC’s “reinterpretation” would authorize any of the municipal and private sanitary and industrial landfills and hazardous waste sites in the United States to seek an “exemption” to receive and dispose of radioactive waste. In this case, “reinterpretation” is another way of saying “rewriting” of the regulations. The proposed new “exemption” procedure is actually a permitting of unregulated disposition of licensed radioactive material and waste by another name.

Another problem with this is that the process of granting “exemptions” will not be carried out publicly, transparently, nor democratically. The fact is that this proposed rule has been put forward during the Covid-19 pandemic, a moment in history when public discourse is greatly incapacitated, and without compensatory measures to seek input from the communities that might be affected by this major change in regulations. For these reasons, the proposed rule to irresponsibly dispose of radioactive waste is a flexing of autocratic power.

Second of all, low-level radioactive waste is *still* nuclear waste. In fact, VLLW is not defined by its radioactivity dose but rather by its source; LLRW may still contain very high levels of radioactivity. VLLW is an arbitrary term made up by NRC that has not been defined in the law or regulation, nor is it supported by scientific evidence illustrating the low-risk involved.

The risk that VLLW will poison the communities surrounding unlicensed and “exempted” dumpsites is greater due to the fact that the regular landfills where this waste is being proposed

to be dumped are not designed, monitored, or regulated to safely manage nuclear materials. If this radioactive waste ends up in unregulated landfills, as it will if this proposal is implemented, it's virtually certain that it will leak into our air, water, soil, and communities. This proposed rule will further poison and exploit communities already burdened by disposal facilities and therefore predisposed to lower life expectancies.

The deliberate lack of transparency and public notification by which this proposal has been rolled out will also be an issue after the dumping has occurred. The data on radiation emissions and exposure modeling will be private information withheld from the public. Even if local governments or members of the public were to discover that a local landfill or waste site is accepting radioactive waste, they will have no prior notice or ability to know the degree of radioactivity nor the quantity of material in their own local dump.

This proposed rule has many evident failures, such as the failure to include public discourse, or to consider safety and environmental justice. If NRC still wishes to dispose of VLLW I strongly suggest that they go back to the drawing board considering the comments that I have expressed in this letter. Instead of dishonorable and exploitative new rules that allow the nuclear industry to reap windfall profits at the expense of public safety and justice, NRC should focus on *enhancing* existing regulations regarding land disposal of radioactive waste to protect the public -- with special attention paid to marginalized and over-exploited communities -- from these unremitting contaminants.

Thank you for your time and consideration in reviewing my public comment,

Xiomara J Durán

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