

From: Haakon Williams <hwillieyams@gmail.com>
Sent: Wednesday, October 21, 2020 3:48 PM
To: VLLWTransferComments Resource
Subject: [External_Sender] Comments on Docket ID NRC–2020-0065

October 21, 2020
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555–0001

ATTN: Rulemakings and Adjudications Staff

Submitted by email to VLLWTransferComments.Resource@nrc.gov

RE: Comments on Docket ID NRC–2020-0065

Dear Sir/Madam,

I write to you with the strongest opposition I can offer to NRC’s proposed “Interpretive Rule on Transfer of Very Low-Level Waste to Exempt Persons for Disposal.” Some of the many problems with this proposed rule are detailed in the rest of this letter, but let me say at the outset that this proposed rule does not just suffer from a few flaws in need of modification but is rotten to the core and should be withdrawn wholesale, never to be spoken of again. Indeed, I note that this proposal bears striking resemblance to past proposals from NRC’s sordid lineage of low-level waste (LLW) deregulation attempts, e.g., “Below Regulatory Concern” or BRC. Let this be the last one. Americans have spoken clearly, time and again, in rejecting these proposals and the ruination of human and environmental health such deregulation would bring. Withdraw this proposed rule, and reverse course to focus instead on the *strengthening* of nuclear regulations that is needed to carry out your mission to protect people and the environment.

There are currently dozens of nuclear reactors in this country that are somewhere in the process of decommissioning. This decommissioning will produce a great deal of LLW as the reactors are dismantled, and this LLW will have to be disposed of somewhere. LLW is typically disposed of in specially designed landfills licensed by NRC to accept such waste; this licensing process is guided by regulations found in 10 CFR § 61, which require NRC-licensed landfills to be designed, operated, and monitored in a way that preserves human and environmental health over the long timespans radioactive waste remains hazardous. These regulations are imperfect and in need of strengthening; however, they are far, far better than no regulations. This proposed interpretive” rule attempts to circumvent the 10 CFR § 61 regulations entirely by proposing to issue exemptions to unlicensed landfills under other sections of 10 CFR, parts that are largely irrelevant to the land disposal of LLW. By allowing unlicensed landfills to receive LLW without a license, NRC would be in violation of the Atomic Energy Act (42 U.S.C. § 2011 et seq.), which generally requires licenses for nuclear waste disposal, and NRC’s own 10 CFR §61 regulations.

This proposal would result in an enormous change to the infrastructure of LLW disposal across the country. For instance, any municipal landfill, which lack designs to isolate radioactive waste from migration, could and would be granted an exemption and thus be able to accept LLW. Not

having to meet NRC licensing requirements would mean these landfills could accept LLW at much lower tipping fees than would be found at licensed sites. Thus there would be enormous financial incentive for those seeking to dispose of LLW to simply take it to the neighborhood dump instead of a licensed site. This would essentially produce an end to licensed LLW sites across the country, as no one in the industry would use them. This is only one example of the extremely broad scope of the changes this proposal would create. Thus, this proposal is not an interpretive rule, and characterizing it as such is a violation of the Administrative Procedure Act (5 U.S.C. §500 et seq.).

Ultimately, people who live near dumpsites don't care about legal technicalities — they care about the safety and well-being of their families and communities. And this proposal, if enacted, would make the health risks of living near a landfill severe. NRC claims to intend to limit the application of this proposed rule to what it calls “very low-level waste,” a term made up by NRC for the purposes of passing this shameful proposed rule. There is no regulatory or statutory definition of “very low-level waste,” rendering enforcement or regulation of “very low-level waste” impossible. LLW does have a legal definition, but even this term is misleading, for LLW refers to the source of the waste rather than the level of radiation it emits. LLW, of the type NRC apparently hopes to shepherd into communities across our country, may still contain high levels of radioactivity. Yet under this proposed rule, neither NRC nor the public would ever know how radioactive a dump site has become. The proposed rule would grant exemptions if the landfill operator submits an estimate that it would stay under a 25 millirem EDE limit — a limit which, on its own, falls far outside EPA's acceptable risk range, would allow 2.5 times more radioactivity than is currently allowed to be crammed into landfills, and would result in 1 in 500 people getting cancer over their lifetimes. However, once granted the exemption, the unlicensed landfill would have no requirement to stay under that already too high dose, and NRC would do no regulatory inspections or enforcement to ensure that they do. That is what exempting such landfills from regulation entails. This clearly significant change to the environment at our country's landfills would not, under the proposed rule, be required to prepare an Environmental Impact Statement, thus raising the violation by this proposal of yet another law, the National Environmental Protection Act.

For these reasons and many others, the proposed rule would usher in a ‘Wild West’ of LLW dumping, a deeply disturbing prospect that everyone should oppose. I hope you will agree. Withdraw this proposal, and go back to the drawing board — not to concoct another strategy to save the nuclear industry millions, but rather to come up with some proposals that strengthen rather than weaken radioactive waste disposal protections and that move our country closer to waste disposal sanity.

Thank you for your time,

Haakon Williams

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