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General Comment

Public Comment to the Nuclear Regulatory Commission Regarding the Proposed Rule Changes for Low-Level Waste Disposal (10 CFR Part 61; Docket NRC-2011-0012)

Tami Thatcher
July 24, 2015

The US Nuclear Regulatory Commission (NRC) is proposing to amend regulations that govern low-level radioactive waste disposal facilities. These are shallow land burial facilities that bury radioactive materials. These facilities will be allowed to bury large amounts of long-lived radionuclides that do not substantially decay away within 500 years. Long half life or the increase of radioactivity due to ingrowth of decay progeny will cause these disposal sites to eventually leach radioactive contaminants into our groundwater for hundreds of thousands of years.

We appreciate that the NRC has acknowledged shortcomings in its current regulation of low level radioactive waste burial regulations due to waste blending. We appreciate that the NRC recognizes that its current focus on the first 100 or 500 years of operation of these facilities is inadequate to protect the public from the large amounts of long-lived radionuclides being disposed of. But the proposed rule changes are not protective of human health or the environment.

The NRC is recognizing how inadequate the capability of limiting the migration of these radionuclides into the environment is over the long term. But despite nice-sounding phrases like defense-in-depth disguise the fact that significant amounts of radioactive contaminants will leach into our groundwater over time.

The NRC is recognizing the inadequacy of attempts to model the performance of these waste sites for anything past a few hundred years. They know that these performance assessments depicting unrealistically slow and constant trickle out of contaminants are indefensible and unsupportable. The NRC is requiring that a performance analysis be conducted yet accepting unlimited contamination and radiation dose levels as long as there was the pretense to minimize the contamination.

This is a regulation that pretends to be concerned with protecting human life. But this is a regulation concerned only with protecting the nuclear industrys ability to dispose of radioactive materials in the most unfettered way possible.

The Compliance period (within 1000 years following closure of the disposal facility), the Protective Assurance Period (between 1000 and 10,000 years following closure of the disposal facility) and the Performance Period (after 10,000 years) have varying performance objectives. It is an immoral act to pretend to regulate the disposal of radioactive material with concern for human health but to actually not provide any assurance of this protection.

After the initial compliance period, the proposed rule requires only that an effort be made to minimize releases to the extent reasonable achievable at any time Do only what is reasonably achievable based on technological and economic considerations. Doses greater than 25 mrem/yr? No problem. Doses greater than 500 mrem/yr? No problem, says the NRC. Yet, we know that these levels will damage children and shorten lives. A limit of 25 mrem/yr is barely protective. Anything above 4 mrem/yr is going to damage health. The proposed rule could accurately be called the anything goes rule and it is not protective of human health. In fact, the proposed rule practically guarantees extensive contamination of our country.

The public has not been provided an adequate description of the devastating ramifications of this inadequate proposed rule. NRC presentations and descriptions of this rule have been inadequate to explain the extensive contamination that will be allowed and actually encouraged by this proposed regulation. Anyone concerned with human health and the environment cannot be satisfied with the proposed lowlevel waste disposal anything goes rule.

This regulation will permit unlimited contamination of our groundwater for millennia despite the charade of lengthy discussions that would make it appear otherwise.

The NRC must not be allowed for make the proposed rule into law. In this regulation the NRC claims to be addressing public health and safety and the requirements for meeting health and safety standards. But instead the NRC throws existing and future health standards out the window after the initial compliance period. The NRC wants to allow any level of contamination by the disposal of long-lived waste as long as the dumper tried to minimize the inevitable migration of contamination. Throwing all health standards out the window is not responsible and is not protective of human health or the environment.

I submit these comments with Chuck Brocious, Environmental Defense Institute, Troy Idaho
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