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ADMIN

U.S. Nuclear Regulatory Commission  
Richard Meserve, Chairman  
Washington, D.C. 20555

DOCKET NUMBER  
PROPOSED RULE PR 20  
(64FR35090)

ATTN: Rulemaking and Adjudications Staff

Dear Chairman Meserve:

I am writing to call on the Nuclear Regulatory Commission to isolate radioactive wastes, materials and anything they contaminate, regardless to the level of radioactivity. The radioactive legacy needs to be isolated from the public and the environment.

The NRC should also extend the time to comment on releasing radioactive waste into commerce to September 2000. This issue is too important to act hastily upon and it should be fully debated by the public. The public has spoken repeatedly on this issue and enough time needs to be given for people to voice their concerns before decisions are made.

**NO MORE RADIOACTIVE RELEASES**

We still do not want nuclear power and weapon waste released, cleared, deregulated, exempted, generally licensed, designated de minimis, unimportant or below regulatory concern, or by any other creative or deceptive means, allowed out of nuclear facilities and into the marketplace or the environment, AT ANY LEVEL.

**TRACK AND RECAPTURE ALREADY-RELEASED RADIOACTIVE WASTES**

The current methods of releasing radioactive wastes from commercial licensees and weapon facilities must immediately cease. No future radioactive releases should be permitted and a full accounting and recapture of what has already been released should commence.

**PREVENT AVOIDABLE RADIATION EXPOSURES AND RISKS**

Using radioactive wastes in consumer products poses unnecessary and avoidable risks. The consumers, the producers and the raw materials industries don't want these radioactive wastes or risks.

**COMPUTER MODELS ARE NOT ACCURATE, RELIABLE OR VERIFIABLE**

It is not credible to believe computer models can calculate and accurately predict any or ALL of the doses to the public and the environment from all of the potential radioactivity that could be released over time. Projections of acceptable or reasonable risks from some amount of contamination being released are meaningless and provide no assurance. Monitoring for the

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specific types and forms of radioactivity that could get out can be very expensive and tricky to perform. Hot spots can sneak through. We can't trust the nuclear generators to monitor their own releases.

### **EXPENSIVE TO MONITOR; IMPOSSIBLE TO VERIFY OR ENFORCE RELEASES**

No matter what level the NRC sets for allowable radiation risk, dose or concentration, it will be difficult to impossible to measure, verify and enforce. Who is liable if the legal standards NRC intends to set are violated? For decades the public has clearly opposed releasing radioactive materials into commerce. WE CONTINUE TO DO SO.

### **EXISTING RADIATION DOESN'T JUSTIFY DELIBERATE ADDITIONS**

Naturally occurring background radiation cannot be avoided, except in instances such as reducing radon in homes, but it's presence in no way justifies additional radiation exposures, even if those exposures might be equal to or less than background. Nor does it justify shifting the economic liability from the generators of radioactive wastes and materials to the economic and health liability of the recycling industries, the public and the environment.

### **SUPPORT METAL INDUSTRIES' "ZERO TOLERANCE" OF CONTAMINATION**

We fully support the complete opposition and zero tolerance policies of the metal and recycling industries. We appreciate their efforts to hold the line against the radioactive threat to the public. The NRC, DOE and EPA must act to prevent the dissemination of radioactive wastes into recycled materials and general commerce. The problems that have been experienced by the steel recycling industry with generally licensed sealed sources getting into their facilities and costing tens of millions of dollars to clean up should serve as a warning not to let any other radioactive wastes and materials out of regulatory control.

### **NRC HAS CLEARLY DECIDED TO RELEASE-----THIS MUST BE REVERSED**

The mindset of the NRC appears convinced that it should legalize radioactive wastes being recycled into the marketplace. The NRC has stated in it's STAFF REQUIREMENTS MEMO that the standard must allow releases to take place and that all radioactive materials will be eligible for clearance. This means that the NRC is not seriously examining all of the options available, such as non-release, even though the NEPA requires all options to be considered.

### **NRC CONTRACTOR (SAIC) HAS CLEAR CONFLICT OF INTEREST**

Furthermore, the NRC is relying on a private contractor called Science Applications International Corporation to prepare the technical basis for proposed regulation. This is a blatant CONFLICT OF INTEREST. The NRC has not publicly notified the public that SAIC has simultaneously been working with or for other corporation with substantial economic interests in the Commission's determinations in this rulemaking. In particular, since mid-1996, SAIC has been the teaming partner of British Nuclear Fuels, Ltd. (BNFL) under a quarter billion DOE contract for recycling unprecedented amount of contaminated radioactive metallic waste from the Oak Ridge TN uranium enrichment buildings. This situation calls into question the legality of the entire NRC process.

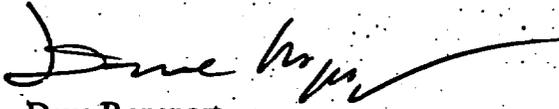
**EXTEND COMMENT PERIOD**

Since NRC is attempting to cover it's requirements under NEPA to establish this radioactive release rule, the public comment period should be extended to allow the public the opportunity to hear about and comment on the proposal.

In conclusion, we call on the NRC to serve the interests of the public instead of the nuclear industry and:

1. Prohibit the release of radioactive materials into commerce, landfills and incinerators,
2. Identify, tract and recapture radioactive waste that has already been released from nuclear power and weapons facilities by federal and state regulators, and
3. Give the public at least 8 more months to comment.

Sincerely,



Dave Rapaport  
Executive Director