

ENVIRONMENTAL
ADVOCATES



30th ANNIVERSARY

RECEIVED

NOV 28 AM 8:49

Rules and Directives
Branch
USNRC

65 FR 44843

7/19/02

187

November 22, 2000

David L. Meyer, Chief
Rules and Directives Branch
Office of Administration Mail Stop T-6D59
US Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Meyer:

Radioactive soils should NOT BE RELEASED or recycled in any way, rather they should be isolated from contact with the public and the environment.

The report, "Human Interaction with Reused Soil: A Literature Search," aims to provide a technical base for assessment of scenarios for reuse of radiologically contaminated soils. The intent of this document is clear; the Nuclear Regulatory Commission is working toward the widespread sale of radioactive soil from nuclear power plants and other NRC-licensed facilities.

We believe that this literature search is an inadequate basis for a decision of this magnitude. In this report, the NRC has selected 56 documents, intended to define "realistic reuse scenarios" for the many tons of contaminated soils on hand at the nation's nuclear power plants. According to the NRC, this stockpile of contaminated soils could be used safely for a number of public and private ventures, such as home landscaping projects, school athletic fields, and children's playgrounds.

We believe that the NRC's conclusions are premature. We urge the NRC to heed the warning of Carlo Long Casler, who asked the NRC to review materials relating to the accident at the Chernobyl nuclear power plant in 1986 and Japanese documents relating to the long-term health effects of the atomic bombs dropped on Hiroshima and Nagasaki.

We believe that the goal of the NRC must be to isolate radioactive material and prevent public exposures. It is unethical and irresponsible to deliberately expose people by allowing radioactive materials into daily commerce. Releasing these soils into public commerce is a violation of the Atomic Energy Act. Congress established the NRC in

Temple: ADM-013

E-RIDS = ADM-03
Add: T. Nicholson (TSN)

order to rectify a weakness in the nuclear control system. Examination of the legislative intent of Congress indicates that a division of functions was necessary to respond to "growing criticism that there is a basic conflict between the AEC's regulation of the nuclear power industry and its development and promotion of new technology for the industry."

Furthermore, Congress determined that "the processing and utilization of source, by-product, and special nuclear material must be regulated in the national interest and in order to provide for the common defense and security and *to protect the health and safety of the public.*" The NRC has an "overriding responsibility for assuring public health and safety in the operation of nuclear power facilities." Therefore, we believe that allowing the release of radioactively contaminated material into commerce is a direct violation of the responsibilities delegated to the NRC by Congress.

Sincerely,



Kyle Rabin
Nuclear Energy Policy Project Director
Air & Energy Program Associate
Environmental Advocates
353 Hamilton Street
Albany, NY 12210
Phone: 518-462-5526 ext. 240
Fax: 518-427-0381
E-Mail: krabin@envadvocates.org