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To: <secy@nrc.gov>
Date: Sun, Jun 8, 2003 3:07 PM
Subject: alternatives for controlling the disposition of solid materials

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary, U.S. Nuclear Regulatory
Commission, Washington, DC 20555.
Attention: Rulemaking and
Adjudications Staff.

To Whom it May Concern:

Thank you for the opportunity to comment on The Nuclear Regulatory Commission (NRC)'s enhanced participatory rulemaking on alternatives for controlling the disposition of solid materials that originate in restricted or impacted areas of NRC-licensed facilities. I am a private citizen and a professional ecologist who has been concerned about and researched public exposure to radioactive isotopes from nuclear power plants and other sources for 20 years. It is my opinion that as States tend to defer to the NRC all questions of public safety involving nuclear generating plants, the NRC should hold this value paramount and you should allow no other interest to weaken your commitment to protecting the public from involuntary exposure to radioactivity above and beyond background levels. In this light, I would urge the NRC to:

- * Focus the rulemaking on better ISOLATING potentially radioactive materials from the public and the environment rather than allowing it to be dispersed deliberately;
- * PROHIBIT RELEASE of radioactive wastes and materials from nuclear power and weapons into the marketplace for unrestricted or conditional uses;
- * Prevent additional radiation exposures rather than "justifying" them with computer codes and dose modeling. I strongly oppose "dose-based" or "risk-based" standards, as they violate the first principle of your performance goals, to maintain safety, and protect the environment, as well as the second, to increase public confidence in our regulatory process.
- * Since there is no safe dose of ionizing radiation, I accept NO dose above naturally occurring background and voluntary exposures for our own personal benefit.
- * I do not believe workers in the recycling industries, road construction, sewer workers, or others who would be exposed in your theoretical destinations for restricted radioactive waste deserve ANY level of radioactive contamination from nuclear power and weapons fuel chain activities.

I am categorically opposed to further increasing the public's exposure to potentially radioactive materials for all the reasons you have undoubtedly heard. Risks associated with these solid materials are unavoidable and involuntary; long term and cumulative impacts cannot be accurately modeled; there is a potential for exposures to multiple products; any dose increases cancer risk; even a small risk when spread over the U.S. population is too high; there is no justification for adding more dose to what we receive from background; releases would not be accurately measured and tracked; licensees and the government cannot be trusted to assure that any releases would be carefully monitored.

I am also opposed to disposal of these materials in an EPA-regulated or any other landfill, except a licensed facility for disposal of low-level radioactive waste. Your stakeholders have argued that: "However, a regulation limiting disposal of these materials to an EPA-regulated landfill would have much smaller costs than disposal at a licensed LLW disposal site and place much smaller economic burden on licensees for controlling the disposition of solid materials."

I would respond that, on the other hand, NRC would be violating numbers one and two of its performance goals, 1) Maintain safety, protection of the environment, and the common defense and security; and (2) Increase public confidence in our regulatory process. By your own reasoning, as discussed in NUREG-1614, protection of public health and safety is paramount among the NRC goals and it is likewise your principal goal in controlling the disposition of solid materials. Your own performance goals should guide you on this one. These are, in my humble opinion, higher goals than number 4) Reduce unnecessary regulatory burden on stakeholders. I would like also to point out that REDUCING COSTS OF

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COMPLIANCE TO STAKEHOLDERS IS NOT AND SHOULD NOT BE ONE OF NRC'S LEGAL CONSIDERATIONS. Your job is to protect the unwitting public from harm, not to protect the crafty corporations from the real cost of doing their business.

RE Alternative 2, conditional use. You state that "the intent of the conditional use alternative is that solid material would be restricted to only certain authorized uses and kept separate from general consumer uses. Consideration needs to be given as to whether this alternative can: (a) Provide assurance that solid material goes to its authorized use and is not diverted to unrestricted use and (b) be established and implemented in a manner that is both practical and economical. Specific questions are:

(a) Can a scrap/manufacturing/distribution process that is not licensed by NRC provide assurance that the material is limited to its authorized use?"

MY COMMENT: THERE IS NO ASSURANCE THAT THE MATERIAL WOULD BE LIMITED TO ITS AUTHORIZED USE, IMMEDIATELY UPON RELEASE OR FOR DECADES AFTERWARD. RECENT AND PAST HISTORY HAS SHOWN THAT GREED SETS THE STANDARD IN INDUSTRY. THERE ARE NO GUARANTEES, THEREFORE THERE SHOULD BE NO PRESUMPTION OF HONESTY AND NOBLE INTENTION AMONG THOSE WHO STAND TO GAIN FINANCIALLY FROM DEREGULATION OF THE NUCLEAR WASTE STREAM.

(b) Would it be necessary for NRC to maintain regulatory control by licensing all or some portion of the process (e.g., only the scrap process or the scrap and manufacturing process)? Could involvement by another Federal Agency in the scrap/manufacturing/ distribution process provide assurance that the material remains with its authorized use?

MY COMMENT: TALK ABOUT BIG GOVERNMENT! WHY SHOULD THE U.S. TAXPAYER PAY FOR SOLVING INDUSTRY'S WASTE PROBLEM? USERS OF NUCLEAR MATERIALS SHOULD BE REGULATED, MADE TO ISOLATE AND DISPOSE OF ALL RADIOACTIVE OR POTENTIALLY RADIOACTIVE CONTAMINATED MATERIALS ON THEIR OWN NICKEL IN LICENSED LOW-LEVEL WASTE FACILITIES. IF THEY WANT TO PASS COSTS ALONG TO RATEPAYERS/USERS SO BE IT. THEN THE TRUE COSTS OF NUCLEAR POWER WOULD THEN BE KNOWN.

What are the feasibility, cost, and increased assurance aspects of NRC or other Federal agency involvement?

MY COMMENT: WHILE NRC INVOLVEMENT MIGHT INCREASE ASSURANCE, THIS IS ABSURD. DO YOU PROPOSE TO TRACK THESE MATERIALS FOR ALL TIME? WILL THEY BE TAGGED AND LABELED? ONCE RADIOACTIVE CONTAMINATED MATERIALS ENTER THE DOMESTIC MATERIALS WASTE STREAM, THEY BECOME AN ENVIRONMENTAL HEADACHE FOR YEARS TO COME. IF YOU DEREGULATE, RELEASE AND DO NOT TRACK THEM YOU AGAIN VIOLATE NRC'S GUIDING PRINCIPLES NUMBER 1 & ESPECIALLY 2.

In summary I respectfully request that you keep the public interest in mind above and beyond the interests of the financially interested stakeholders. In this time of security concerns, corporate malfeasance at an unprecedented scale, holier than thou posing on issues of nuclear security in the international arena, and the controversy surrounding depleted uranium weapons and the unprecedented disability rate of our own Gulf War veterans who were exposed to these "low-level" radioactive munitions and their catastrophic aftermath, I would find it simply unbelievable that the NRC would ease regulation of our domestic or military nuclear industry with regard to their waste stream, low level or otherwise at this time. It would set a cynical and irresponsible precedent in my humble opinion.

Sincerely,
Sally Shaw
Gill, MA