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**From:** "Kathy Carter-White" <kathcart@okmedia.net>  
**To:** " Secretary Nuclear Regulatory Commission" <secy@nrc.gov>  
**Date:** Wed, Jun 18, 2003 7:16 PM  
**Subject:** Comments on Controlling the Disposition of Solid Materials (10 CFR Part 20)

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OFFICE OF SECRETARY  
 RULEMAKINGS AND  
 ADJUDICATIONS STAFF

Nuclear Regulatory Commission:

Dear NRC Secretary:

ecoLaw institute, inc. was active in the Sequoyah Fuel Materials license SUB-1010 and knows firsthand that deregulation is a prescription for vast environmental mismanagement, cost externalization, and health damage to a minority community of Cherokee allottees who live on land once traded for a vast homeland that they cannot go back to. I urge you to strictly prohibit the deregulation of all solid materials containing or contaminated with radiation which has been intentionally mined from the ground; to require secure, licensed disposal of such wastes, solids and machinery in isolated monitored retrievable storage, and to vigilantly safeguard the public. We did not choose nuclear development and fought it every step of the way. My issues raised about ultimate financial liability being foisted upon the taxpayers of Oklahoma have come to fruition, and we are facing a crisis of stealth caused by delay and footdragging, as the cleanup money seeps away, when the NRC should adopt a policy of expeditious resolve and certain, thorough response in a timely fashion. It has been fifteen long years that NRC has piddled along with these now-insolvent companies, and even today there are 55-gallon drums of waste standing in water on that site. Meanwhile, the cancer map shows that people are dying faster there than in places where no nuclear business has been conducted. MRS is a responsible alternative to declassification. Declassification is denial, and the cancers go on and the groundwater still flows while people die from a legal fiction. PLEASE do no declassify solids.

One of the most irresponsible injustices in the SFC/General Atomics Sequoyah Fuels Facility licensure over the years has been permitting "visibly uncontaminated" machinery and equipment to be sold, junked and used even after, ie the 30,000 # Uranium Hexafluoride spill or after being used for test well injection. facilities that are designed to isolate such radioactive waste from humans and the environment.

It didn't keep workers from taking offsite boots that were used to stand calf-deep in highly contaminated liquid seepage. In this economy, folks will use such things if they can be fixed, to everyone's harm.

These are but examples from the past when the facility was open or in phase-down. Please do formalize the management of this material in a responsible way.

The NRC accepts the validity of the linear, no-threshold (LNT) model of

human exposure to radioactivity, which holds that "any increase in dose, no matter how small, results in an increase in risk" to human health. But despite this, the Commission is obstinately pursuing a contradictory proposal that would, in fact, result in exposing the public to greater doses of radioactivity! This sentiment is revealed in the statement of NRC Chairman Richard Meserve, contained in the NRC Commission Voting Record of October 25, 2002, in which he advised that "it would not be appropriate to mask the Commission's continuing support for the release of solid material." It is a travesty of proper government regulation that the NRC is pursuing, in effect, a subsidy worth billions of dollars that rewards waste generators for irresponsibly scattering their waste into the unregulated environment and ducking responsibility for any of the consequences.

Under absolutely no conditions should nuclear waste be deregulated, dumped in unlicensed facilities that are not prepared to monitor for or contain radioactive waste, or allowed into general commerce.

An agency that considers its "primary mission" to be protecting public health and safety from the dangers of radiation should not consider any rollback in regulatory protections. Inasmuch as the current scoping process involves the NRC's alleged serious consideration of various alternatives—ranging from no release of materials to unrestricted release—while the Commission openly acknowledges a prejudice favoring release, the results of this rulemaking will likely endanger not only human health and ecological integrity, but the integrity of the NRC as a credible regulatory agency, as well.

The NRC's primary mission to "to protect public health and safety, and the environment from the effects of radiation from nuclear reactors, materials, and waste facilities" can only be upheld by, at a minimum, establishing permanent policy wherein all radioactive material waste is restricted from general commerce and required to be disposed of in an NRC- or Agreement State-licensed low-level waste disposal site, best articulated as "Alternative 5" in the notice published in the Federal Register on February 28, 2003.

Further regulations and protections should be implemented as needed to fulfill said mission in a serious and responsible manner.

Sincerely,

Kathy Carter-White, ecoLaw institute Staff Attorney