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From: "Leslie Seff c/o GRACE PUBLIC FUND" <lseff@gracelinks.org>
To: " Secretary Nuclear Regulatory Commission" <secy@nrc.gov>
Date: Fri, Jun 20, 2003 8:38 AM
Subject: Comments on Controlling the Disposition of Solid Materials (10 CFR Part 20)

Leslie Seff c/o GRACE PUBLIC FUND
215 Lexington Ave., Suite 1001
New York, NY 10016

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

June 20, 2003

Nuclear Regulatory Commission:

Dear Secretary:

The scope of the U.S. Nuclear Regulatory Commission's (NRC) proposed "rulemaking on controlling the disposition of solid materials" should be greatly limited to only those regulatory options which would strictly prohibit the deregulation of any solid materials containing or contaminated with manmade radiation, and require that such materials be disposed of only in secure, licensed facilities that are designed to isolate such radioactive waste from humans and the environment.

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,

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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,

Leslie Seff