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From: Arjun Makhijani <arjun@ieer.org>
To: <secy@nrc.gov>
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Comments of the Institute for Energy and Environmental Research (IEER) on the proposed rule on "controlling the disposition of solid materials." (68 FR 40: 9595-9602).

Arjun Makhijani, Ph.D.
President, IEER

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The proposal to put contaminated radioactive materials into circulation in the commercial economy, either in restricted or unrestricted form, has been reincarnated many times. It is still a bad idea. It is still the old proposal of putting radioactive materials into circulation because they are deemed "below regulatory concern" (BRC).

Many people, including myself, have commented before on these proposals. We have also participated in workshops. But our comments have not been addressed with the care and scientific attention they deserve. During the present comment process I was asked by the NRC to attend a two-day workshop. I refused, because the NRC was unwilling to give me an assurance that it would not reject scientifically sound comments. Nor did the NRC commit to giving a detailed technical rationale for technical comments that it did reject. I am making only brief general comments here. The detailed substance and objections are well-known to the NRC, which is why BRC proposals have been defeated before. Satisfactory answers remain to be provided. IEER's letter to the NRC of November 2, 1999 is also incorporated into these comments by reference. It can be found at: <http://www.ieer.org/comments/release.html>.

I have five principal objections to any circulation of these materials in the commercial economy in any guise, restricted or not:

1. The models for dose calculation have been showed to be inadequate, flawed, and incomplete.
2. There can be no realistic modeling of behaviors of materials that have not been sampled volumetrically and whose contamination is subject to vast uncertainties. Testing for surface contamination before release is grossly inadequate and cannot provide a scientific basis for individual or population dose estimation.
3. Once deregulated, the process will be open to fraud and abuse. Given the large expenditures now being made to dispose of low-level radioactive waste in controlled facilities, the temptations to mix in such waste with BRC materials would be considerable. Regulators would have little control over such dilution and cheating because they would already have deregulated a vast stream of materials and exempted it from meaningful oversight.
4. Cheating and fraud could create large scale economic disruption.
5. Passing of liabilities from within the nuclear establishment onto the public encourages lax and polluting behavior and is damaging for public

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health and the environment.

It is astonishing that BRC-type proposals keep coming back without any sound technical answers to the substantive objections along the lines above that have long been raised. IEER recommends that this proposal be buried for good.