

FRIENDS OF THE COAST
OPPOSING NUCLEAR POLLUTION
Post Office Box 98, Edgecomb, Maine 04556
207-882-6000

DOCKETED
USNRC

AUG 10 10:03

OFFICE OF SECRETARY
RULEMAKING AND
ADJUTANT GENERAL STAFF

EXCERPTS FROM ALBERT SCHWEITZER'S STATEMENT
OF APRIL 23, 1957

"I raise my voice, together with those of others who have lately felt it their duty to act, in speaking and writing, as warners of the danger. My age and the sympathy that I have gained for myself through advocating the idea of reverence for life, permit me to hope that my appeal may contribute to preparing the way for insight so urgently needed...

That radioactive elements created by us are found in nature is an astounding event in the history of the earth. And of the human race.

To fail to consider its importance and its consequences would be a folly for which humanity would have to pay a terrible price.

Excerpted from CLOUDS FROM NEVADA - a special report on the AEC Weapons Testing Program by Paul Jacobs and included in HEALTH EFFECTS of LOW-LEVEL RADIATION- Proceedings of the 1979 Congressional "Kennedy" Hearings on the effects of weapons fallout in Utah and elsewhere - Serial No.96 - 41

August 5, 1999
USNRC Chairman Greta Dicus
NRC Staff
NRC Consultation Meeting
Rockville, MD.

INTRODUCTORY STATEMENT

Chairman Dicus, NRC Staff Members, Members of the Public in Attendance,

Thank you for the opportunity to meet with you this morning. My name is Raymond Shadis. I am a resident of Edgecomb, Maine. I am a founding member in 1980 of the Maine Nuclear Referendum Committee and a founding member in 1995 of Friends of the Coast-Opposing Nuclear Pollution. From 1982 until January 1998, I served as a trustee of the New England Coalition on Nuclear Pollution. I presently serve as a staff person for the New England Coalition and as a spokesman for Friends of the Coast. I also serve on Maine Yankee Atomic Power Company's Community Advisory Panel on Decommissioning.

I would like, for the record, to state my understanding of the nature of this meeting and my reasons for participating.

Template = SECY-067

E-mail AUG 13 1999
Acknowledged by

DS10

As you know, participation in this meeting with “NRC staff responsible for the Solid Material Release Rulemaking”¹ has been rejected on principle by the entirety of the public interest and environmental advocacy community initially identified by NRC and invited. Their reasons for rejecting the invitation are clearly stated in an e-mail letter to Ms. Stinson, Mr. Lesnick (of Meridian Institute) and Mr. Cameron, USNRC, dated July 29, 1999.²

At the risk of elaborating on the obvious, I will tell you many in the community believe that this meeting, like so many other similar meetings in the past, is intended to pave the way for a regulatory initiative already charged with momentum and seeking only some plausible justification for a predetermined goal. So many, if not all such initiatives in the past decade, have had one unifying theme. That theme appears to be to make life easier for the nuclear industry even at the cost of decreased safety margins and increased nuclear pollution.

Informed by twenty years of experience in NRC proceedings, I do not wholly disagree with that perception. For example, to say, as NRC does, that fire barriers which are inflammable are as safe as those which are fire proof, does not pass the straight-face test. To offer that radiological site release criteria slackened over staff recommendations reflect the rulemaking input of the “public” strains credulity. Time and again, it appears common-sense input is ignored, put away, or thwarted and rarely on the side of engineering conservation, caution, or environmental stewardship.

In my own experience, upper echelon spokesmen for the NRC have, time and again, out of ignorance or malice, made promises to the public regarding NRC process that have no bearing in truth or reality. A transcribed recording of a presentation made by Dr. Carl J. Paperiello, Director of the Office of Nuclear Materials Safety and Safeguards to an audience in Wiscasset, Maine on July 20, 1999 has the following regarding final site release:

The public has hearing rights, they can demand a full adjudicatory hearing over whether or not the licensee meets that limit...If you, the public, disagree that they meet the limit, all you have to do is send a letter, “ We want a hearing....” You don’t have to hire an attorney. You may wish to. Many people do. We provide the hearing board.

As a staff member of an organization which had to spend upwards of \$30,000 just to gain intervenor standing in the Yankee Rowe License Termination Plan, I could not rank NRC’s representation on the ease of getting a hearing very high in truth or candor.

¹ Meridian Institute memorandum to Invitees to NRC Consultation Meeting from Barbara Stinson and Mike Lesnick, July 30, 1999.

² Copy and Response (July 30, 1999) attached. With concurrence from Mr. Cameron, I assume the conditions of this response as a good faith contract from NRC regarding the conduct and utilization of this process.

However, notwithstanding the above reservations and examples, I believe it better to converse than not converse. Mr. Chip Cameron of the NRC has assured me that the conduct and utilization of this meeting will not support my singular wariness or the suspicions I share with those advocates refusing to participate. If any one from NRC cannot give that same assurance I would appreciate their qualifying statements at this point. (pause).

Thank You. This much should also be obvious. What I ,or other attendees, may have to say in this meeting cannot be weighed against the eloquent silence of those who refused to participate.

That said, I propose we adopt the following topics for discussion:

1. Reduction or cessation of the solid waste stream now flowing into the open environment.
2. Recapture and isolation of material previously released to the environment.
3. Rejection of any additional schemes (over and above the fuel cycle) which propose trading revenue for dose (at any ratio).
4. Regulatory goals (and potentially, standards) which limit or reduce the total curie count of reactor-derived radionuclides released to the biosphere without respect to concentrations.
5. Materials with detectable levels of reactor-derived radionuclides must be isolated and consigned to appropriate waste storage facilities.
6. Bringing NRC's radiological site release criteria into line with EPA guidance.
7. Consideration of the impact of reactor derived radionuclides on the entire biosphere (for its own sake).
8. Adoption of an overall operating philosophy that less man-made radio-pollution is better than more man-made radio-pollution. Understanding that once materials are free-released, no accurate system exists for tracking total individual exposure or total effects. Risk, in many cases, can no longer be quantified.
9. Dropping the "either, or," approach to impacts. Does assuming "we," the nuclear industry" impacts the environment or somebody else does, assume NRC has options for industries it does not regulate, or that other industries (under their appropriate regulators) cannot be made to run cleaner? Must NRC admit that free-released radioactive material, evaluated on its own, has no attached societal benefit?

On behalf of Friends of the Coast and the New England Coalition, I am now prepared to hear how the staff proposes to address these topics.

I thank you for your attention.

To:
From: Raymond Shadis <shadis@ime.net>
Subject: Fwd: Re: [Fwd: Aug. 5 Consultation Meeting]
Cc:
Bcc:
Attached:

>>July 29, 1999

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>>Dear Ms. Stinson, Mr. Lesnick, Mr. Cameron:

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>>We cannot participate in the August 5 meeting or any meeting that
>>supports the free release and recycling of radioactive materials and
>>waste. We will not participate in any meeting for which there is no
>>clear, acceptable goal and agenda in advance (at which point three weeks
>>notice must given to the parties).

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>>The Nuclear Regulatory Commission should be regulating and isolating
>>radioactive materials and wastes from the environment and the public,
>>not legalizing radioactive releases into the marketplace, consumer
>>products, and the environment.

>>

>>Our response to the proposed rule on radioactive releases is NO, do not
>>release radioactive waste from regulation; isolate it from the
>>marketplace and the environment.

>>

>>If you want public involvement, it must be on regulating and isolating
>>radioactive wastes and recapturing those which have already been
>>released.

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>>The societal goal is to prevent releases of radioactivity and
>>unnecessary exposures, not to facilitate them.

>>

>>Sincerely,

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>>Citizens Awareness Network- Debby Katz
>>Env'tal Coalition on Nuclear Power, Sierra Club- Dr. Judith Johnsrud
>>Environmental Law and Policy Center- Peter Morman
>>Georgians Against Nuclear Energy- Glenn Carroll
>>Natural Resources Defense Council- David Adelman
>>Nuclear Energy Information Service- David Kraft
>>Nuclear Information and Resource Service- Diane D'Arrigo
>>Physicians for Social Responsibility- Dr. Robert Gould
>>Public Citizen- Wenonah Hauter
>>Union of Concerned Scientists- David Lochbaum

Dear Folks,

Thank you for your email yesterday regarding the August 5 meeting. We have to admit to being a little surprised -- largely because the August 5 meeting's goal is to provide an opportunity for a direct, face to face discussion with NRC staff on the issues you have raised. That is, your concern that the agency should be regulating and isolating radioactive material and wastes from the environment and the public, to recapture past releases and to prevent future releases of radioactivity and unnecessary exposures. It seemed to us that a short session where the NRC staff and you could talk directly about your topic could be a productive action.

It is our understanding that the NRC staff have been asked to evaluate whether there should be some type of rulemaking in the future (if at all), and, if there is to be a rulemaking, to solicit input as to what alternatives and analysis should be considered. A regulation could potentially, directly, address the issues you are concerned about such that they could be codified in a regulation, but procedurally, someone needs to publicly advocate for this position. We saw this meeting as an opportunity for a direct conversation between you and the NRC staff about this at a substantive as well as procedural level with no strings attached.

We apologize if our email and fax communications were not as clear as they needed to be, but we genuinely believe what you are suggesting is what was to be discussed in the meeting on August 5. The intent was to meet the request we have heard based on the conversations with you to date. We hope the meeting can go forward as planned.

Michael Lesnick, Meridian Institute
Barbara Stinson, Meridian Institute
Chip Cameron, Nuclear Regulatory Commission