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DOCKET NUMBER

PETITION RULE PRM 20-23

(59FR17746)

June 17, 1994

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USNRC

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OFFICE OF SECRETARY
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By Hand Delivery

Mr. Samuel J. Chilk
Secretary
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

Attn: Docketing and Service Branch

Dear Mr. Chilk:

The American Mining Congress (AMC) submits these comments in response to a petition for rulemaking filed with the Nuclear Regulatory Commission (NRC) by Steve Gannis. 59 Fed. Reg. 17746 (April 14, 1994). AMC is a national trade association representing (1) producers of most of the United States' metals, uranium, coal, and industrial and agricultural minerals; (2) manufacturers of mining and mineral processing equipment and supplies; and (3) engineering and consulting firms and financial institutions that serve the mining industry. The petition requests that NRC lower the annual dose limit for the general public from 100 millirem per year (mrem/yr) to less than 1 mrem/yr. While AMC recognizes and respects the right of any citizen to petition the federal government, we do not believe that this petition should lead to a rulemaking proceeding.

As an initial matter, Mr. Gannis' petition provides no scientific data or support for the assertions made in the petition. The NRC spent many years developing the radiation protection limits of 10 C.F.R. Part 20. Development of the regulations involved the input of many nationally and internationally recognized experts, other federal and state agencies, affected communities, industries and individuals. The 100 mrem/yr standard is based on analysis of an enormous amount of scientific data.

In contrast, the petition before the Commission offers no scientific or intellectual basis for the action it proposes. The petition instead relies on misstatements, scare tactics and emotional remarks. For example, the petition states that NRC "has been grossly irresponsible, incompetent and negligent and/or knowingly and deliberately endangering the public to this extreme and indefensible degree, by permitting so much cancer to be caused by this 100 millirem

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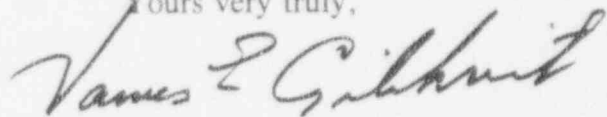
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annual dose limit." This intemperate tone, which is evident throughout the one page petition, does not lend itself to a rational, scientific discussion of the subject of whether the 100 mrem/yr standard should be modified. In a word, the petition offers no basis on which to proceed to rulemaking. This is particularly true when one considers that the average individual exposure in the United States is 300 mrem/yr from natural background sources of radiation.¹

Accordingly, AMC urges the Commission to deny Mr. Gannis' petition for rulemaking.

If you have any questions or we can be of further assistance, please contact me at (202) 861-2876 or AMC counsel on this matter, Anthony J. Thompson, of Shaw, Pittman, Potts & Trowbridge, at (202) 663-9198.

Yours very truly,

A handwritten signature in cursive script that reads "James E. Gilchrist". The signature is written in dark ink and is positioned above the printed name and title.

James E. Gilchrist
Vice President

¹

National Council on Radiation Protection and Measurements (NCRP)
Report No. 94, (1987).