

From: "diane d'arrigo" <dianed@igc.org>
To: Chairman Meserve <chairman@nrc.gov>
Date: Fri, Nov 5, 1999 3:59 PM
Subject: EXT REQUEST ON NRC SCOPING on Radioactive Release Rulemaking

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Dear Chairman and Commissioners:

Please approve the attached request for an 8-month extension on the Scoping for the Radioactive Release Rulemaking.

On
AD

Thank you,

Diane D'Arrigo
NIRS

DOCKET NUMBER
PROPOSED RULE **PR 20**
(64FR35090)

Wenonah Hauter
Public Citizen

PDR PR 20 64FR35090

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Nuclear Information and Resource Service

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November 5, 1999

Chairman Meserve and the Commissioners
US Nuclear Regulatory Commission
Washington, DC 20555
Attn: Rulemaking and Adjudications staff
<http://www.nrc.gov>

RE: Request for Extension of Comment Deadline on 10 CFR 20 **Release of Solid Materials at Licensed Facilities: Scoping Process for Environmental Issues** (64 FR 125, 35090-35100; 6/30/99; 64 FR 201, 56274 Proposed Rules)

Dear Chairman Meserve and Commissioners Dicus, Diaz, Merrifield and McGaffigan:

This is a request for an 8-month extension on the comment period for the Scoping for the Environmental Impact Statement for the "proposed" rulemaking on the Release of Solid Materials at Licensed Facilities.

The public interest and environmental communities have been doubly frustrated with the content and the process of the rulemaking to release radioactive wastes and materials. Although the notice of rulemaking was published in June 1999, all of the public interest organizations originally contacted by NRC and its contractor, made it clear that we want NRC to regulate by isolating and not releasing radioactive wastes and materials into the marketplace and that sufficient time is needed to allow members of the public to participate. We, after being asked what would enable us to participate in the process, stated that we would meet to explore how to regulate (rather than deregulate or release or clear) radioactive materials and that we would need three weeks from the finalization of an agreed upon agenda to arrange to participate in a meaningful way. Neither of these conditions was met despite extensive, persistent efforts from the consultant and the groups contacted to come up with common ground.

It was not until two weeks (barely) before the San Francisco and Atlanta meetings that the decisions were made to proceed with the meetings and the agendas of all 3 meetings thus far have not been clear in advance, nor do they appear to present a meaningful option to prevent radioactive releases. The sense of being ignored persists. This public call for isolation, not release, is not new to the Commission; it has been clearly expressed in many ways to the NRC over many years.

In addition, despite the Commission issuing a new Staff Requirements Memo, the directive to staff to set levels above background that allow quantities of material to be released has not changed from the June 1998 SRM.

In light of the fact that this is the legal Scoping period (under the National Environmental Policy Act) for a rule, we ask that the public comment period be extended by at least 8 months, if the NRC truly desires public input. The fact is that the same meetings and comment period that comprise "considering" a rule are simultaneous with the legally-required Scoping process for the Environmental Assessment or Impact Statement necessary for making a rule. The clear impression exists that many decisions have been made already. Whether or not that is true, speeding through the Scoping without real public knowledge and opportunity is unacceptable.

Given the history of NRC's interaction with the public on this and related issues (dating back to the adoption of the 'new' Part 20 in the early 1990's, the 1986 and 1990 BRC policies, and the Enhanced Rulemaking On Residual Radioactivity or ERORR process that preceded the controversial 1997 decommissioning rule) it is clear that there is very high level of public interest and strong opinions. The public has a right to be heard and to have its views bear weight.

We ask for 8 months because the decision to release at any level is irreversible and needs general public awareness, which the process thus far has not facilitated. Those who might receive exposures need time to learn, understand and formulate comments.

Because there are major holidays and the turn of the millennium, with its potential for disruption and delay, a extra month or two is not sufficient on such an important issue. Please consider this request for an eight-month extension, the importance of public input on this rulemaking process.

If you have any questions or need clarifications please contact us.

Sincerely,

Diane D'Arrigo
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