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Nuclear Regulatory Commission
Washington, D. C. 20555
Attention: Rulemaking and Adjudications staff
Re: 10CFR Part 20 including comments on DG 4006
Release of solid materials at licensed facilities: Issues paper, scoping
process for environmental issues, and Notice of Public Meetings.
Commissioners and staff:

Again the NRC visits the area of evading the Congressional mandate which made the 'Below Regulatory Concern' unlawful for the NRC to place in regulation. The attempt is to 'release solid materials.' This is again a thinly veiled attempt to evade the proscription that Congress put on the 'below regulatory concern' materials that NRC tried to get into regulations years ago.

We have Peter Kostmayer, who is presently running for the Senate from Pennsylvania, to thank for inserting the proscription of BRC wastes into an amendment of the 1992 National Energy Act. This present rulemaking on release of radioactive solid materials is nothing but an evasion of the proscription that Congress placed on the NRC.

Any suggestion that the NRC might have the public health in mind in this present rulemaking is quickly dispelled by the Draft Regulatory Guide DG 4006, Demonstrating Compliance with radiological Criteria for License Termination. The text of this regulatory guide is rife with methods to evade a proper substantive evaluation of doses from solid materials released by this rulemaking.

"If distributed uniformly throughout a survey unit..." This is an open invitation to survey in a manner which provides the licensee with a means to evade a factual and proper survey. The licensee is at liberty to pick and choose his survey locations to minimize his costs and maximize the dose to the public above and beyond the '25 mrem/yr to an average member of the critical group.' Page 3 Draft Guide 4006.

These 'suggestions' which demonstrate ways for the licensee to minimize costs at the expense of the public stretch throughout the DG 4006

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Page 4 "consists of statement of the licensee." How convenient. If something doesn't fit the regulation or draft guide, justify it by a 'statement.'

Page 7 "background areas." The description reeks of ways to manipulate a 'background area' so that a high radiation reading may be justified on the basis that the high reading was prior background. A perfect example of this would be to choose a background area which had been contaminated before the imposition of a licensed facility. Using this selection, there would be almost no way that solid materials from a licensed facility would not meet all regulatory criteria no matter how radioactive said solid materials were.

Page 23 puts the whole matter in perspective. "An ALARA analysis is an optimization technique that seeks the proper balance between costs and benefits below the dose limit." In plain English that means you don't do it if you can show it costs money.

Page 24 adds insult to injury by using "present value of future... dose." Any accountant can tell that future value is an iffy subject and would never compare human life with a dollar. Using the criteria of comparing human life to future dollars, the US could justify killing every infant in the womb on the basis of cost savings.

Previous releases:

My comments above went into some of the effects of previous releases. Previous releases have contaminated much of the background without corresponding public benefit. Only now are some of the data surfacing in the study of 'downwinders' and military personnel. Before the NRC attempts to add to the radioactive burden of the public health thru more radiation releases, the amount of radioactivity which the public is presently subjected to from previous releases must be evaluated and not be thrown into the trashbarrel of 'background.'

Use of released solid materials:

Although the proposed rule and the DG 4006 goes into the probable use of some of the released solid material, I would like a discussion of reusing the solid material in toys, nursery furniture, eating utensils, second reuses, and the many embarrassing uses that seemed to have escaped scrutiny in the proposed rule and DG 4006.

I reserve the right to continue these comments at a later date.

Respectfully submitted,

Mike Lewin 11/10/99