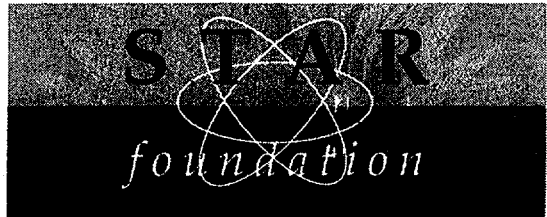


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STANDING FOR TRUTH ABOUT RADIATION

DOCKETED  
USNRC

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OFFICE  
PUBLIC  
AFFAIRS

December 2, 1999

Chairman Richard Meserve,  
U.S. Nuclear Regulatory Commission,  
Washington, DC 20555

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

Attention: Rulemaking and Adjudications Staff

Re: Radioactive recycling

Dear Secretary Meserve:

STAR (Standing for Truth About Radiation) is a non-profit corporation with over 1000 members on Long Island that are concerned about the toxic effects of nuclear radiation. STAR believes that the radioactive legacy of atomic weapons and energy production should be isolated from the public and the environment.

STAR is opposed to the recycling of radioactive metals and we believe that the public has spoken before on this issue. We still do not want nuclear power and weapons wastes "released," "cleared," deregulated, exempted, generally licensed, designated "de minimis," "unimportant," or BRC-below regulatory concern, or by any other creative, direct or deceptive means, allowed out of nuclear facilities and into the marketplace or the environment, at any level.

The current methods of releasing radioactive wastes from commercial licensees and weapons facilities must immediately cease. No future radioactive releases should be permitted and a full accounting and recapture of that which has already been released should commence.

**Using radioactive wastes in consumer products poses unnecessary, avoidable, involuntary, uninformed risks. The consumers, the producers, the raw materials industries don't want these radioactive wastes or risks.**

It is not credible to believe computer models can calculate and accurately predict any or ALL of the doses to the public and the environment from all of the potential radioactivity that could be released over time. Projections of "acceptable" or "reasonable" risks from some amount of contamination being released are meaningless and provide no assurance. Monitoring for the specific types and forms of radioactivity that could get out, can be very expensive and tricky to perform. Hot spots can sneak through. We can't trust the nuclear generators to monitor their own releases.

No matter what level the NRC sets for allowable radiation risk, dose or concentration, it will be

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difficult to impossible to measure, verify and enforce. Who is liable if the "legal" standards NRC intends to set are violated? For decades the public has clearly opposed releasing radioactive materials into commerce. We continue to do so.

Naturally occurring background radiation cannot be avoided (except in some instances for example, reducing radon in homes) but its presence in no way justifies additional, unnecessary, involuntary radiation exposures, even if those exposures might be equal to or less than background. Nor does it justify shifting the economic liability from the generators of radioactive wastes and materials to the economic and health liability of the recycling industries, the public and the environment.

We fully support the complete opposition and "zero tolerance" policies of the metal and recycling industries, the management and the unions. We appreciate their efforts, not only in opposition to legalization of radioactive releases, but in their investment in detection equipment and literally holding the line against the radioactive threat to the public. They should not have to be our de-facto protectors. The NRC, DOE and EPA must act to prevent the dissemination of radioactive wastes into recycled materials and general commerce. The problems that have been experienced by the steel recycling industry with "generally-licensed sealed sources" getting into their facilities and costing tens of millions of dollars to clean up should serve as a warning not to let any other radioactive wastes and materials out of regulatory control.

The fact that radioactive waste is already getting out should not be used to justify legal levels allowing more out. The NRC, EPA and DOE should prevent future and correct past releases. The fact that other countries are releasing radioactive materials into the marketplace is no excuse for us to legalize it. The United States should take the lead in preventing contamination of the international marketplace. We protect ourselves best by not facilitating international radioactive commerce.

The mindset of the NRC appears convinced that it should legalize radioactive wastes being recycled into the marketplace. The NRC has stated in its staff requirements memo that the standard must allow "releases" to take place and that all radioactive materials will be eligible for "clearance." This means that the NRC is not seriously examining all of the options available, such as non-release, even though the National Environmental Policy Act (NEPA) requires all options to be considered.

In conclusion, the comment period should be extended and the NRC should serve the interests of the public instead of the nuclear industry and prohibit the release of radioactive materials into commerce.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Cullen", with a long horizontal flourish extending to the right.

Scott M. Cullen  
Counsel