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Committee to Bridge the Gap \* Physicians for Social Responsibility  
Tri-Valley CAREs \* BAN Waste Coalition  
Nuclear Information & Resource Service \* Western States Legal Foundation  
A First Amendment Center \* Committee for Nuclear Responsibility  
Center for Energy Research \* Air, Water, Earth, Org. \* Public Citizen  
Grandmothers for Peace International \* National Association of Radiation Survivors

Sept. 13, 1999

Don Cool  
Division of Industrial and Medical Nuclear Safety  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C.

Dear Dr. Cool:

This is in response to your invitation that we, as representatives of the environmental community, participate in your upcoming San Francisco workshop on NRC's frankly outrageous proposal to recycle radioactively contaminated materials into consumer goods. We must respectfully decline to participate in what we view as an entirely illegitimate process, one with a pre-ordained outcome that can only result in increased radiation exposures to unsuspecting members of the public.

The NRC's approach to this issue once again puts the economic interests of the nuclear industry above its statutory duty to protect public health. The result will be that consumers may find their zippers, frying pans, belt buckles, jewelry, and other products contaminated with radioactive wastes generated by nuclear power plants and nuclear bomb factories.

We strongly believe that a vast majority of the American people wants radioactive waste isolated from the environment, not released into the marketplace. The Commission has chosen to flout that wish by instructing its staff, in a June 30, 1998, Staff Requirements Memo, "to promulgate a dose-based regulation for clearance of materials and equipment having residual radioactivity." The memo makes the NRC's bias clear by ruling out a detectability standard and focusing the rulemaking on "codified clearance levels above background for unrestricted use." The rule will be "comprehensive and apply to all metals, equipment, and materials, including soil." The Commissioners direct that a rule be established that sets contaminant levels high enough such that it "allows quantities of materials to be released." Given that the commissioners have already decided to permit radioactive release into consumer goods, we refuse to lend credibility to an illegitimate public process designed primarily to provide a spoonful of participatory sugar to make the toxic policy go down.

Instead of seeking to codify the recycling of nuclear trash into consumer goods, the NRC should be working to assure the prevention of releases of radioactivity by reducing the amount of radioactive waste produced and adequately isolating from the environment radioactive wastes already produced. Specifically, your agency should take prompt steps to stop agreement states from

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licensing the recycling and release of radioactive wastes and materials and any products or raw materials derived from them.

The NRC's current effort is part of a longstanding goal on the agency's part to allow release of radioactive materials and increase the amount of dangerous man-made radiation in our communities. In 1990 the NRC issued its "Below Regulatory Concern" (BRC) policy, which sought to deregulate large quantities of radioactive wastes, allowing for their disposal in municipal garbage landfills. The policy also would have permitted recycling of radioactive wastes into consumer goods, introduction of radiation into consumer products, and release of radioactive sites without full decontamination. Fortunately, Congress repealed the BRC policy in 1992.

In 1993, the NRC salvaged one of the pieces of its scrapped BRC policy when it opened its ERORR process, the Enhanced Rulemaking on Residual Radioactivity. Many citizens groups participated in the workshops held as part of ERORR, and commented in writing. Most of these public-interest participants opposed the unrestricted release of contaminated sites where detectable radiation from nuclear activities remained. Nevertheless, a staff draft proposed allowing release of such sites from regulatory control. Under pressure from the nuclear industry, the Commission adopted a final rule that significantly weakened the staff draft, allowing even more residual radioactivity to remain on released sites. Thus, the NRC essentially rejected the input from community groups across the country and made a mockery of the "enhanced rulemaking" process that had induced those groups to participate in the workshops. The NRC decommissioning rule is so outrageously lax that it has been rejected by the other government agency with jurisdiction in this area, the Environmental Protection Agency.

Throughout the BRC and ERORR processes, the NRC has maintained the position of permitting individuals to be exposed to 100 millirems of radiation annually from the nuclear fuel cycle, despite the fact that that level of exposure could cause one cancer death for every 285 exposed individuals, by the NRC's own estimates. In reality, the NRC's policies would in many cases allow exposures well above the 100-millirem level. Since most other hazardous substances are regulated so as to allow lifetime cancer death risks of only one for every 1,000,000 people exposed, the NRC has given radiation the status of a privileged pollutant, thus imposing unacceptably high risks on affected communities. Now, by moving to legalize radioactive release into consumer goods and raw materials, NRC is deliberately imposing additional unnecessary risks on all of us, ensuring that we all are affected communities. And, as demonstrated by the recent revelations at the Paducah uranium enrichment facility, where workers and the public were exposed to plutonium without being told, official representations that exposures under the NRC proposed radioactive waste recycling rule would be "small" have no credibility.

It is in this context that we view your recent invitation to participate in what could be dubbed "ERORR Compounded." We strongly oppose the release into commerce of materials contaminated by nuclear activities. We refuse to participate in the NRC's latest attempt to save money for nuclear polluters by allowing recycling of radioactive garbage into our communities and our bodies.

Sincerely,

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