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Attention: Rulemaking and Adjudications Staff  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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USNRC

May 23, 2003 (11:39AM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Dear Secretary:

The scope of the U.S. Nuclear Regulatory Commission's (NRC) proposed "rulemaking on controlling the disposition of solid materials" should be greatly limited to only those regulatory options which would strictly prohibit the deregulation of any solid materials with detectable radioactivity, and require that such materials be disposed of only in secure, licensed facilities that are designed to isolate such radioactive waste from humans and the environment.

The NRC accepts the validity of the linear, no-threshold (LNT) model of human exposure to radioactivity, which holds that "any increase in dose, no matter how small, results in an increase in risk" to human health. But despite this, the Commission is obstinately pursuing a contradictory proposal that would, in fact, result in exposing the public to greater doses of radioactivity! This sentiment is revealed in the statement of NRC Chairman Richard Meserve, contained in the NRC Commission Voting Record of October 25, 2002, in which he advised that "it would not be appropriate to mask the Commission's continuing support for the release of solid material." It is a travesty of proper government regulation that the NRC is pursuing, in effect, a subsidy worth billions of dollars that rewards waste generators for irresponsibly scattering their waste into the unregulated environment and ducking responsibility for any of the consequences.

Under absolutely no conditions should nuclear waste with detectable radioactivity be deregulated and allowed into general commerce. Therefore, the current scoping process, which offers for serious consideration several alternatives that would allow such a dispersal of radioactive waste, is an affront not only to human health and ecological integrity, but also to the duty of the NRC.

The NRC's mission to "ensure adequate protection of public health and safety" can only upheld by establishing permanent policy wherein all radioactive material waste is restricted from general commerce and required to be disposed of in an NRC- or Agreement State-licensed low-level waste disposal site, best articulated as "Alternative 5" in the notice published in the *Federal Register* on February 28, 2003.

Sincerely,

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