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May 29, 2003

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: Rulemaking on Controlling the Disposition of Solid Materials: Scoping Process for Environmental Issues and Notice of Workshop

Dear Staff:

Please adopted Alternative 2: "Amend the NRC's regulations to include a dose based criterion for unrestricted use." This is the only logical choice. It's the only alternative with a technically sound basis.

Alternative 1: "Continue NRC's current approach" is a farce! In the introduction to the federal register notice on this rulemaking, you indicate that your approach is, "Solid materials can currently be released for any unrestricted use if the survey does not detect radioactivity from licensed operations on the material or, if it does detect radioactivity, the amount is below a level that is considered to be protective of the public health and safety and the environment." You further state that your regulations do "not currently specify the level below which the material can be released." Then you direct the reader to a set of existing guidelines, Issues Paper dated, June 1999. This issue paper only references one guidance document, NRC Regulatory Guide 1.86. This document, by its own title, only applies to surveys at nuclear reactors in support of the termination of their operating license. It further states that it is only a "guidance" document. In other words, you have failed to establish criteria for release. The individual performing the survey can be as thorough as they like; no minimal detectable activity has been established.

The other alternatives are all very expensive with minimal, if any, reduction in risk. Alternative 3: "Conditional use" would require the establishment of an infrastructure to control the material that could be interpreted to require control of the material forever! Remember, as was stated in your introduction concerning material being released from restricted areas, "much of this solid material has no or very little amounts of radioactivity." As costly as low-level disposal is (Alternative 5), it would be cheaper than this. Alternative 4: "Landfill disposal" would require the establishment and license of EPA landfills for this material, which could exceed even the cost of low-level burial with no added protection.

The federal register notice indicate that you are soliciting public comment as advised by the National Academies. I find this circular in logic as the NRC went to the Academies for advice when the previous public comment effort failed to result in a consensus. It is very sad that the European nations can promulgate criteria crossing national borders to protect their people, and we in the United States are stymied within in our own country.

The 1 mrem/y dose standard has been recommended by several national safety organizations, it is time for the commission to adopt this and begin protecting the people. ANSI 13.12, "Surface and Volume Radioactivity Standards for Clearance" is based on a 1 mrem/y dose and should be adopted as consensus standard.

I appreciate the ability to comment and hope that you will consider moving forward without further delay.

Sincerely yours;
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