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From: "Mark Donham" <markkris@earthlink.net>
To: <secy@nrc.gov>
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Subject: comments on proposed Rulemaking on Controlling the Disposition of Solid Materials
Federal Register: Feb. 28, 2003 Vol. 68 No. 40 Pp. 9595-9602

Dear, Secretary, Nuclear Regulatory Commission,

DOCKETED
USNRC

June 26, 2003 (8:26AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

These are the comments of the Coalition for Nuclear Justice, (CNJ), which is a project of the Regional Association of Concerned Environmentalists (RACE) regarding the United States Nuclear Regulatory Commission (NRC) proposed Rulemaking on Controlling the Disposition of Solid Materials (Radioactive Waste and Materials Release, Recycling, Dispersal) Scoping Process for Environmental Issues, Federal Register: Feb. 28, 2003 Vol. 68 No. 40 Pp. 9595-9602. RACE is an environmental organization based in Southern Illinois and Western Kentucky which has been involved in environmental issues in the region dating back to 1985. RACE has been very involved in public participation activities for the nearby Paducah Gaseous Diffusion Plant for many years, to the point where it established a separate program to focus strictly on environmental issues surrounding the facility. This is very relevant to the current rulemaking because the Paducah site has perhaps the largest inventory of radioactive contaminated scrap metal in the world.

We are opposed to establishing release limits. We have no confidence in the system to have enough integrity to be trusted to either establish such release levels that would truly be "safe" or to have the proper safeguards to insure that such levels are actually adhered to. This is based upon repeated failures by the federal government to properly characterize waste at Paducah and to continue, even recently, to misdispose of contaminated materials. There is no infrastructure to guarantee that contaminated metals won't end up as lawnmowers, cars, or other commonly used products. This is unacceptable.

What we favor is on site, high quality, above ground storage facilities to contain the materials until a safe method for dealing with the materials can be found. We also think that suggestions that the agency track down past releases and determine what public uses of the metals and other materials have been and what the impacts have been are a good idea and should be considered by the agency.

We suggest that NRC drop this rulemaking and instead focus on requiring proper containment facilities for these contaminated materials. Thank you for considering these comments.

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