

DOCKET NUMBER
PROPOSED RULE PR 20
68FR09595

2497

DOCKETED
USNRC

June 30, 2003

June 30, 2003 (4:50PM)

Secretary
US Nuclear Regulatory Commission
Washington, DC 20555
Attention: Rulemaking and Adjudications Staff

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Secretary:

CWAA is a community-based environmental organization with over 55,000 members throughout Minnesota. CWAA has worked for the transition away from coal and nuclear generation towards cleaner, non-polluting sources of energy for over ten years.

The scope of the U.S. Nuclear Regulatory Commission's (NRC) proposed "rulemaking on controlling the disposition of solid materials" should be limited to only those regulatory options which would strictly prohibit the deregulation of any solid materials containing or contaminated with man-made radiation. It should 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. Since there is no safe level of ionizing radiation, nuclear power, these wastes should not be forced on an unknowing, unconsenting public.

This includes any and all deregulation of radioactive wastes and materials for "clearance," "release," "recycling," "exemption," listing as "below regulatory concern," or any other legalistic mechanism that could result in the dispersal of nuclear wastes and materials into public commerce, unlicensed disposal, or designation and treatment as non-radioactive.

The nuclear power industry continues to claim that they produce clean, cheap power. The very fact that we must consider the proper disposal of radioactive waste belies the first claim and the pressure the industry is exerting to have radioactive waste disposal subsidized with our tax dollars belies the second. The nuclear industry must bear the full, true cost of safe, isolated waste disposal. They continue to insist that it is economical to create vast amounts of radioactive waste, then they must be held accountable for the whole lifespan of the waste, rather than foisting their problems off on the public. 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.

The NRC accepts the validity of the linear, no-threshold (LNT) model of human exposure to radioactivity. But despite the stated acceptance that, "any increase in dose, no matter how small, results in an increase in risk" to human health, the Commission seems intent on a result that would expose the public to greater doses of radioactivity. Under absolutely no conditions should nuclear waste be deregulated, dumped in unlicensed facilities that are not prepared to monitor for or contain radioactive waste, or allowed into general commerce. An agency that considers its "primary mission" to be protecting public health and

safety from the dangers of radiation should not consider any rollback in regulatory protections.

The NRC's bias favoring release and the results of this rulemaking will likely endanger not only human health and ecological integrity, but the integrity of the NRC as a credible regulatory agency, as well. The NRC's primary mission, "to protect public health and safety, and the environment from the effects of radiation from nuclear reactors, materials, and waste facilities," can only be upheld by -- at a minimum -- 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.

CWAA urges the Commission to take their charge of protecting public health and safety seriously by insisting on nuclear industry accountability and the most stringent standards of health and environmental protection.

Sincerely,

Andrea Kiepe
Energy Program Organizer