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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attn: Rulemaking and Adjudications Staff

RE: Request for Comments FR68, 9595
Rulemaking on Controlling the Disposition of Solid Materials

Dear Secretary:

Radioactively contaminated materials from Nuclear Regulatory Commission (NRC) licensed facilities should be isolated from the public in order to protect the public's health and safety, and the NRC should provide full disclosure of, and recapture of those materials which have already been released—including those released from weapons facilities by federal and state regulators. Consideration should be given to recapturing those materials, assessing the effect of their release on human health and the environment, and reporting to the public what radioactive isotopes were involved, how the radioactive materials were used and the products' locations today. The public has a right to know this information. The consideration of all other alternatives is inadequate.

The recycling of radioactively contaminated materials is not a new issue. Since the 1970's, when the idea of radioactive recycling was first introduced, it has been opposed by citizens and environmental, consumer, and labor organizations who have told policymakers they are unwilling to assume the risk posed by recycled radioactive materials.

In 1986 and 1990 the NRC adopted two "below regulatory concern" (BRC) policies which would have "deregulated" radioactive waste under certain levels of contamination. State and local governments began passing ordinances and resolutions requiring ongoing regulatory control of BRC radioactive waste. As a result of this opposition, Congress revoked the NRC's BRC policies in a provision of the Energy Policy Act which was signed into law on October 24, 1992.

In addition to the reasons listed above, the alternatives should be rejected for the following reasons:

1. In the Federal Register Notice under "Items for Discussion, (A) Human Health and Environmental Impacts", no consideration is given to the health impacts of multiple exposures to different products made from radioactive materials. In addition, no mention is made at all of examining the extra burden to immune systems of exposure to radioactive materials. A whole array of toxins are already present in the environment and some consideration should

be given to how adding products contaminated with radioactive isotopes will compound the threat to human health and the environment.

2. There is no safe dose of ionizing radiation, and the public should not have to accept a dose above naturally occurring background, and voluntary exposures for each persons own personal benefit.
3. Releases can not be accurately measured, monitored and tracked.
4. The risks to human health associated with these solid materials would be unavoidable and involuntary. The public will have no way of knowing what products contain recycled radioactive materials.
5. Any dose increases cancer risk and even a small risk when spread over the U.S. population is too high.
6. The "burden" of disposal costs for radioactive materials for generators should not be a consideration. As a policy issue, anyone who generates radioactive materials, such as power plant generators, should have to pay the cost of dealing with their byproduct. The cost savings and risks should not be shifted from some industries to others. For instance, the steel and concrete industries have pointed out that nuclear facilities may save \$300 in disposal fees by shifting their costs to the steel industries. However, compelling the steel industry to accept increased radioactivity in their metal scrap feed stocks is economically inequitable and inefficient, and shifts the burden to scrap metal brokers, processors and ultimately, the metals industries.
7. Consumer fears and avoidance of potential radioactive products will affect industries such as the steel industry and severely tarnish the image of recycling. Due to the risks of radioactivity, consumers will avoid products made of steel. This would result in losses of sales, workforce reductions, and the loss of revenues in industries that supply materials, equipment and services to the steel recycling industry.
8. Tthe Low-Level Radioactive Waste Policy Act was passed in 1980 which encouraged states to form compacts in order to resolve with the issue of low-level radioactive waste disposal. Despite the expenditure of over \$450 million by various compacts and individual states trying to identify sites for a low-level waste facility, and 23 years later, not a single license has been issued or low-level waste disposal facility constructed. Disposal in a 10 C.F.R. licensed facility is not a viable long term option.
9. The NRC is relying on a private contractor called Science Applications International Corporation (SAIC) to prepare the technical basis for the proposed regulation. This is a blatant conflict of interest. The NRC has not publicly disclosed the relevant economic interests of SAIC. The NRC has not notified the public that SAIC has simultaneously been working with or for other corporations with substantial economic interests in the Commission's determinations in the rulemaking. In particular, since mid-1996, SAIC has been the teaming partner of British Nuclear Fuels, Ltd. (BNFL), under a quarter billion DOE contract for recycling unprecedented amounts of contaminated radioactive metallic waste from the Oak Ridge TN uranium enrichment building. This situation calls into question the legality of the entire NRC process.

The NRC need only look to its own documents for guidance on this issue. In NUREG-1614 the NRC states that "the protection of public health and safety is paramount among the NRC's goals and it is likewise our principal goal in controlling the disposition of solid materials." In addition, under sections 84 and 161 of the Atomic Energy Act, the NRC has the general responsibility to protect the health and safety of the public from unreasonable risks posed by byproduct and other radioactive materials.

In conclusion, the NRC needs to serve the interests of the public instead of the nuclear industry and:

1. prohibit the release of radioactive materials into commerce, consumer products, landfills and incinerators;
2. identify, track and recapture the radioactive waste that has already been released from nuclear power and weapons facilities by federal and state regulators;
3. conduct an assessment of the effect on the public's health of those materials that have already been released and disclose this information to the public.
4. Finally, use this information for future guidance on how to protect the public's health and safety.

Respectfully,

A handwritten signature in cursive script, reading "Don Preister".

Senator Don Preister

District #5