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Subject: BRC Scoping Comments

2557

Re: 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

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SCOPING COMMENTS**OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**

The alternatives considered in the proposed scoping are clearly inadequate.

One alternative that needs to be added is that any solid material with radioactive contamination must be disposed of in a licensed radioactive waste disposal site (i.e., LLRW disposal facility). This is the only sensible policy; it is the one endorsed by the Congress when it shut down NRC's last attempt at deregulating radioactive waste (Below Regulatory Concern, BRC); and is frankly the longstanding policy (with unfortunate occasional case-by-case exemptions) that is now proposed to be gutted. If one is going to consider policy options, at least one should present a clear alternative of the longstanding principle that all radioactive waste should be isolated from the human environment by disposal in proper disposal facilities.

A second alternative that needs to be added is to require far better disposal of all radioactive waste than currently contemplated in NRC regulations for licensed radioactive waste disposal facilities, rules which presently allow and indeed assume leakage and migration. The rulemaking should consider significant improvements in design to require complete isolation of all radioactive wastes for their radioactive lifetimes.

A third alternative that needs to be added is the one recommended by the National Academy of Sciences – dramatic steps to reform the NRC so that it has a chance at the public confidence necessary for NRC to even consider free release of radioactive material. The NAS strongly stated that the NRC is so conflicted, so widely perceived as captured by the industry it is to regulate, that no such BRC steps should be contemplated until and unless dramatic reforms at NRC have been successfully undertaken and there is public confidence in its commitment to protecting public health and the environment, something sorely lacking now.

As to the environmental analysis, key will be to perform an honest upper bound assessment of the potential cumulative dose to the population if the practice of recycling of radioactive wastes and free release of radwastes were adopted and became widespread. The issue is not the single release from a single facility, but the multiple releases nationwide year after year and the total population dose – and health consequences in terms of casualties – that could result from such a craven policy as using the U.S. public as a receptacle for the nuclear industry's radioactive wastes. Uncertainty bars should be added, at each stage of the calculation (uncertainty about dose from inhaling certain particulates, the effect of difference chemical forms, uncertainty about dose from releases from unlicensed landfills, dumping in agricultural fields,

etc.) with a total upper bound figure given for the maximum total number of deaths NRC is considering imposing on the American population on behalf of the nuclear industry, to reduce its waste disposal costs by transferring them to the public in terms of cancers, deaths, and other health and human impacts.

The ethical considerations of externalizing the industry's costs of doing business onto the public health should be examined.

Lastly, may I, tongue in cheek, express the gratitude of many critics of nuclear power for the NRC's bold action in undercutting any potential support for the revival of this technology. No antinuclear activist could have dreamed up such a scheme for showing the public the dangers of the nuclear enterprise and the complete capture of the regulators by the industry they are to regulate than this new effort at deregulating radioactive waste. For the NRC to propose recycling radioactive materials in children's braces and toys, spoons and frying pans; for it to seriously suggest putting radioactive waste into paving materials so that every time someone drives on a road one is getting irradiated; to suggest the free release of radioactive waste so that it can be dumped in schools, farms, and playgrounds -- well, all that can be said is "thank you" for so exposing the moral bankruptcy of your agency and the nuclear industry for whom you work.

Sincerely,

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