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June 27, 2003

To the Secretary

United States Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Attention: Rulemaking and Adjudications Staff

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Dear Secretary:

Please find below the comments of the New England Coalition (formerly the New England Coalition on Nuclear Pollution) concerning the NRC's proposed rulemaking titled "Controlling the Disposition of Solid Materials." When first we became aware of this Federal Register Notice, we assumed that it dealt with the disposal of the kinds of non-nuclear trash that an NRC-licensed facility would generate in the course of its routine operations. It was, therefore, a surprise to discover that this proposed rulemaking is still another effort by the NRC to reduce the costs of proper management and isolation of a potentially vast amount of slightly contaminated material and wastes from nuclear power plants, and, we assume, all other facilities that the NRC licenses and regulates.

The NRC Staff seems to claim that the materials and, we also assume, the "low-activity wastes" to be released are of no danger to the health of human beings or of the many other forms of life that share the planet with us. If so, we cannot agree with the basic premise of the NRC's intent to release these abundant materials into the free market of commerce. For that reason, with due respect, we request that the Commissioners **WITHDRAW** this proposed rulemaking and turn the Staff's attention to other pressing regulatory matters.

Since 1971, the New England Coalition has participated in (first) the AEC's and (later) the NRC's license proceedings for the reactors of northern New England. Our purpose has been consistently to do our best, as local residents and citizens with a duty to protect public health and the condition of our environment, to assure that the nuclear reactors in our region would be as safely built and operated as possible. At risk are the lives and health of thousands. It is the danger to human health and genetic integrity that is at the core of our concerns.

In our experience we have found that the NRC, in concert with its counterpart agencies at Federal and State levels, has ignored the scientific findings of researchers in the fields of biology, medicine, epidemiology, ecology, and microbiology, among the numerous disciplines that study the impacts of

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We believe that the ways low-level irradiation can alter cells, causing them to reproduce defectively, has now been more than abundantly confirmed. The relationship of radiation to heart disease and to mental retardation and to infectious diseases of childhood has also been shown, as in the work of J. Gofman, E. Wright, M. Kadhim, S. Wing, E. Burlakova, C. Busby, and the NAS BEIR V Committee, among others.

Yet we continue to be unable to litigate the issue of lowdose adverse impacts in the Courts in consequence of what we may term the "nuclear energy establishment" and NRC's adamant refusal to concede that there are large populations composed of persons more sensitive than is the average man employed at nuclear facilities and that those populations do suffer injury from low doses of ionizing radiation. Nor have we been able to address the NRC's limitation of the consequences of radiation exposures to only lifetime cancer risk and some form of genetic damage.

These are the most prominent among the matters that underlie our strong opposition to NRC's expressed intention to allow the release of slightly contaminated materials from regulatory control, and to permit them to be recycled and fabricated into just about any kind of product that we may unknowingly purchase to use and live with. How are we to be able to assess the dose of each slightly contaminated object we handle? How can we sum the full dose that our children could receive from contaminated toys or eyeglasses or braces or their furniture or the family automobile, or the very houses they live in? The NRC has no answer to alleviate our reasonable concerns. For that reason alone, the Commission must abandon this effort to rid its licensee of the financial burden brought on themselves.

As we examine the Options, or Alternatives, that the Staff has proposed, we're struck by the Staff's apparent inability to identify the shortcomings of each that doom it to failure as a means of "solving" the low-level waste problem of licensees.

The Unrestricted Release and Use Option will irreversibly augment the radiation doses that individuals will receive from background sources, medical exposures, and other inadvertent encounters with nuclear materials in the environment. An individual will not be able to count up the total number or know the radionuclides to which he has been exposed without his consent. The NRC may promise him that he will receive "only" one extra millirem per year, but how is he to trust the agency when he cannot verify? We very urgently insist that the NRC abandon this option at the onset.

The Restricted Release and Use at an NRC licensed site option might seem to offer a method safer for the public so that the nuclear industry can get a little more use out of its outmoded equipment and waste materials. But eventually reused materials will be released, lost track of, sold off as scrap, and again reused. We were surprised to learn that much steel produced today is composed entirely of scrap metal. Once slightly contaminated material has left the regulated facility, it may undergo many reuses, changing form but still radioactive. A person who handles or otherwise is in contact with it during its second and third and infinite reuse will have no chance to know about the dose he receives, or how

many of those small exposures are adding up, damaging his health. We urge the NRC to reject this option as unsafe and unworkable.

The NRC or Agreement State-regulated landfill Option takes us back to the low-level radioactive waste landfill wars of twenty years ago. Siting those dumps was rejected almost everywhere. The objections are still valid. And perhaps the most important of these objections was that there was no finite limit to the amount of dangerous wastes that a site would be forced to accept. And who would pay the costs of clean-up if the dump leaked as all the old ones have done? This option, also, is not acceptable.

Since none of the NRC's options is worthy of acceptance, the Commission must send its Staff back to the drawing boards to try to devise better ways that will maintain control over all of the radioactive materials and wastes that NRC permits to be produced.

We join with the comments submitted by the Sierra Club.

Sincerely,

A handwritten signature in cursive script, reading "Sylvia S. Field". The signature is written in dark ink and is positioned above the printed name.

Sylvia S. Field

Trustee for the New England Coalition