Committee to Bridge the Gap

446 T STREET • SACRAMENTO, CA 95814
(916) 444-3669 • magavern@rcip.com

(488)

DOCKETED
USNRC

December 13, 1999

DOCKET NUMBER
PROPOSED RULE PR 20 (64FR35090) '99 DEC 23 A11 :30

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

OFFICE OF SECRETARY
RULEMAKINGS AND ADJUDICATIONS STAFF

Re: NEPA scoping of rulemaking on release and recycling of radioactive materials

The Committee to Bridge the Gap strongly opposes the promulgation of a rule to allow the release of radioactive waste into commerce. We believe that a vast majority of the American people wants radioactive waste isolated from the environment, not released into the marketplace. The Commission has chosen to flout that wish by instructing its staff, in a June 30, 1998, Staff Requirements Memo, "to promulgate a dose-based regulation for clearance of materials and equipment having residual radioactivity." The memo makes NRC's bias clear by ruling out a detectability standard and focusing the rulemaking on "codified clearance levels above background for unrestricted use." The rule will be "comprehensive and apply to all metals, equipment, and materials, including soil." The Commissioners direct that a rule be established that sets contaminant levels high enough such that it "allows quantities of materials to be released."

The hostile reaction to NRC's 1990 "Below Regulatory Concern" policy made it clear that the American people oppose a deregulation of radioactive waste, as does Congress, which repealed the BRC policy. At a time when consumers are trying to avoid pathogens in their food, toxics in children's toys, and contamination of their drinking water, it would be the height of folly to purposefully approve the introduction of radiation into consumer products. Rather than promoting this folly, the NRC should be protecting us from the threat that our zippers, frying pans, belt buckles, jewelry and other products will be contaminated with radioactive wastes generated by nuclear power plants and nuclear bomb factories.

Opposition to radioactive recycling comes not just from consumers, but also from workers and companies in the metals industries. Steel recyclers that have had to spend tens of millions of dollars to clean up contamination caused by radioactive wastes in their facilities know well the dangers of radioactive recycling and fervently wish to avoid them. Workers who could bear the brunt of the radiation exposures are especially at risk.

NRC's assurances that public health and safety will be protected are not credible. Computer models cannot accurately predict what doses the public will receive from the myriad different radioactive products that they could be exposed to if recycling is given broad approval. For radiation in consumer products, no standard is truly capable of being monitored, verified and enforced.

Furthermore, the timeworn justification that the existence of naturally occurring radiation justifies the infliction of man-made radiation on an unsuspecting public has no validity. Yes, we are all exposed to background radiation, which causes unavoidable health risks. But the fact of that background radiation in no way supports an effort to

LOS ANGELES OFFICE
1637 BUTLER AVENUE, SUITE 203
LOS ANGELES, CA 90025
(310) 478-0829

SANTA CRUZ OFFICE
2-1185 EAST CLIFF DRIVE
SANTA CRUZ, CA 95062
(831) 462-6136

DS10

26

PDR PR 20 64FR35090

purposely increase our risk of cancer, birth defects and other diseases by spreading around the toxic byproducts of nuclear power and nuclear weapons activities, just as the fact that lightning causes fires is not a rationale for decriminalizing arson.

The NRC has for many years maintained the position of permitting individuals to be exposed to 100 millirems of radiation annually from the nuclear fuel cycle, despite the fact that that level of exposure could cause one cancer death for every 285 exposed individuals, by the NRC's own estimates. In reality, the NRC's policies would in many cases allow exposures well above the 100-millirem level. Since most other hazardous substances are regulated so as to allow lifetime cancer death risks of only one for every 1,000,000 people exposed, the NRC has given radiation the status of a privileged pollutant, thus imposing unacceptably high risks on affected communities. Now, by moving to legalize radioactive release into consumer goods and raw materials, NRC is deliberately imposing additional unnecessary risks on all of us, ensuring that we are all affected communities.

Instead of seeking to codify the recycling of nuclear trash into consumer goods, the NRC should be working to assure the prevention of releases of radioactivity by reducing the amount of radioactive waste produced and adequately isolating from the environment radioactive wastes already produced. Specifically, your agency should take prompt steps to stop agreement states from licensing the recycling and release of radioactive wastes and materials and any products or raw materials derived from them.

The difficulties of monitoring and detecting radiation do not justify release and recycling. To the contrary, they are all the more reason for the NRC to adopt and enforce a rigorous regulatory program that ensures the isolation of radioactive materials.

Finally, the process of preparing this regulation has already tilted heavily toward the radioactive waste generators. A private contractor, Science Applications International Corporation, is preparing the technical basis for the proposed regulation. SAIC has a serious conflict of interest, because it has been collaborating with British Nuclear Fuels, Ltd. in a lucrative contract with the Department of Energy for recycling radioactively contaminated metals from the Oak Ridge, Tennessee, uranium enrichment plant. Incredibly, NRC has contracted with a radioactive recycling partner to prepare a rule on radioactive recycling. The rule that would protect the public the most – banning release – would be directly counter to SAIC's economic interests.

For all the above reasons, NRC should terminate this rulemaking and should halt all recycling and release of radioactive wastes and materials and any products or raw materials derived from them.

Sincerely,

Bill Magavern

Bill Magavern