

DOCKET NUMBER
 PROPOSED RULE **PR 20**
 (64FR35090)

DOCKETED
 USNRC

529

New England Coalition on Nuclear Pollution

VT NH ME MA RI CT **UNY DEC 23 8:57**
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December 22, 1999
 Rulemaking and Adjudication Staff
 US Nuclear Regulatory Commission
 Washington, DC 20555

OFFICE OF
 PUBLIC AFFAIRS
 ADJUDICATION

Re: Scoping for Proposed Rulemaking 64 FR 35090

Ladies and Gentlemen of the Commission,

I have been asked by my employer, New England Coalition on Nuclear Pollution, to convey the sentiments of the Coalition Board of Trustees and provide comment on scoping for a proposed rule on the release of radioactive and radioactively contaminated solid materials.

The New England Coalition declares the following:

1. Under no circumstances should the NRC surrender control and responsibility for licensee-generated radioactive or radioactively contaminated materials. This means no release of solid materials to the human or natural environment and no surrender of control over solid materials through surrogates or NRC licensees by rule or exemption.
1. NRC should acknowledge responsibility for those licensee-generated radioactive or radioactively contaminated materials which have already escaped from control or which have been purposefully released to the human and natural environment. NRC should find, recapture, and isolate all such materials.

Rationale: USNRC has no justification for introducing radioactive raw materials to the marketplace or to the human environment. The practice cannot be said to be included in the broad social contract under which the use of nuclear energy was fostered.

No one said to the residents of areas near potential nuclear facilities or to the general public that mildly radioactive metal or concrete would be salvaged from these facilities and introduced into the unregulated and unmarked goods of general commerce. Had they done so, it is doubtful they would have met with public approval even under the duress of Cold War implications.

The NRC would do well to remember the political upheaval surrounding radioactive fallout from the open air testing of nuclear weapons during the height of the Cold War. However much official agencies demurred, and however much individual exposure

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numbers were pencil whipped to support policy, a detectable level of man-made radionuclides in mother's milk was an impossibly hard sell. Surrendering control inevitably means that extreme examples of abuse and exposure will occur. A popular policy can withstand the occasional horror story, but NRC has no public support for the notion of recycling what was previously understood to be nuclear waste into products for household use.

Through casual, but broad inquiries, we have ascertained that virtually no stakeholder groups are interested in promoting a policy of recycling volumetrically contaminated metal, save one. The environmental groups don't want it. The consumer groups don't want it. Public health groups aren't promoting it. Scrap dealers aren't pushing it. Smelters are leery of it. Rolling mills and other processors don't care for it. Consumer goods manufacturers don't want it. So who does want it? Only the nuclear industry wants it.

Why?

The materials in question will fetch very little in dollar recovery. They represent only a tiny fraction of a percent in the broad scheme of recycling for the planet's sake. Simply, the large return is in cost avoided, the cost of proper isolation and disposal. Rather it can plainly be seen as a scheme to dispose of nuclear waste by feeding it into the homes, schools, hospitals, play and workplaces of an unsuspecting American public, subjects of a rather grand experiment.

NRC staff and management and their constant advisors, the Nuclear Energy Institute, may not see it that way. However, I must advise the NRC that the New England Coalition has already authorized that I design a program to bring the view outlined above directly to the public and to their political representatives.

NRC has in one guise or another, Below-Regulatory-Concern and the like, sought to promote the industry agenda for further polluting the domestic landscape several times in the last decade. The response from the stakeholders, from the public, from the individual states, has been, in the overwhelming majority, "No." We suggest that NRC take the lesson to heart and institutionalize recapture and not release, isolation and not dispersion.

Thank you for your attention,

Sincerely,



Raymond Shadis

NECNP staff