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18 November 1999

NRC Chairman Richard Meserve
U.S. Nuclear Regulatory Commission
Washington, DC 20555

DOCKET NUMBER
PROPOSED RULE PR 20
(64FR35090)

Attention: Rulemaking and Adjudications Staff

Dear Chairman Meserve:

I am writing to ask the Nuclear Regulatory Commission to extend the comment period on releasing radioactive waste into commerce to at least September 2000. This issue is too important to act upon hastily and it should be fully debated by the public.

The public has spoken before on this issue. We still do not want nuclear power and weapons wastes "released," "cleared," deregulated, exempted, generally licensed, designated "de minimis," "unimportant," or BRC-below regulatory concern, or by any other creative, direct or deceptive means, allowed out of nuclear facilities and into the marketplace or the environment, at any level.

The current methods of releasing radioactive wastes from commercial licensees and weapons facilities must immediately cease. No future radioactive releases should be permitted and a full accounting and recapture of that which has already been released should commence.

Using radioactive wastes in consumer product poses unnecessary, avoidable, involuntary, uninformed risks. The consumers, the producers, the raw materials industries don't want these radioactive wastes or risks. No matter what level the NRC sets for allowable radiation risk, dose or concentration, it will be difficult to impossible to measure, verify and enforce. For decades the public has clearly opposed releasing radioactive materials into commerce. We continue to do so.

The NRC appears convinced that it should legalize radioactive wastes being recycled into the marketplace. The NRC has stated in its staff requirements memo that the standard must allow "releases" to take place and that all radioactive materials will be eligible for "clearance." This means that the NRC is not seriously examining all of the options available, such as non-release, even though the National Environmental Policy Act (NEPA) requires all options to be considered.

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Furthermore, 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 this 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. This situation calls into question the entire NRC process.

Sincerely:

Michael J. Nelson