

734

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

DOCKETED  
USNRC

'00 JAN 12 P2:40

- >
- > Dear Secretary Meserve, December 12, 1999
- >
- > I am writing to ask the Nuclear Regulatory Commission to isolate
- > radioactive
- > wastes and materials and anything they contaminate, no matter what level.
- > The radioactive legacy of atomic weapons and energy production should be
- > isolated from the public and the environment.
- >
- > The NRC should also extend the comment period on releasing radioactive
- > waste
- > into commerce to at least September 2000. This issue is too important to
- > act
- > hastily upon and it should be fully debated by the public. Several more
- > months are necessary to engage American consumers and determine if they
- > want
- > their families put at risk by exposure to radioactive household items.
- >
- > 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 products poses unnecessary,
- > avoidable,
- > involuntary, uninformed risks. The consumers, the producers, the raw
- > materials industries don't want these radioactive wastes or risks.
- >
- > It is not credible to believe computer models can calculate and
- > accurately
- > predict any or ALL of the doses to the public and the environment from all
- > of the potential radioactivity that could be released over time.
- > Projections
- > of "acceptable" or "reasonable" risks from some amount of contamination

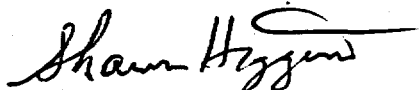
OFFICE OF  
PUBLIC AFFAIRS  
ADJUTANT GENERAL

PDR PR 20 64FR35090

DS10

- > being released are meaningless and provide no assurance. Monitoring for
- > the
- > specific types and forms of radioactivity that could get out, can be very
- > expensive and tricky to perform. Hot spots can sneak through. We can't
- > trust
- > the nuclear generators to monitor their own releases.
- >
- > 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. Who is liable if the "legal" standards NRC intends to set are
- > violated? For decades the public has clearly opposed releasing radioactive
- > materials into commerce. We continue to do so.
- >
- > Naturally occurring background radiation cannot be avoided (except in some
- > instances for example, reducing radon in homes) but its presence in no way
- > justifies additional, unnecessary, involuntary radiation exposures, even
- > if
- > those exposures might be equal to or less than background. Nor does it
- > justify shifting the economic liability from the generators of radioactive
- > wastes and materials to the economic and health liability of the recycling
- > industries, the public and the environment.
- >
- > We fully support the complete opposition and "zero tolerance" policies of
- > the metal and recycling industries, the management and the unions. We
- > appreciate their efforts, not only in opposition to legalization of
- > radioactive releases, but in their investment in detection equipment and
- > literally holding the line against the radioactive threat to the public.
- > They should not have to be our de-facto protectors. The NRC, DOE and EPA
- > must act to prevent the dissemination of radioactive wastes into recycled
- > materials and general commerce. The problems that have been experienced by
- > the steel recycling industry with "generally-licensed sealed sources"
- > getting into their facilities and costing tens of millions of dollars to
- > clean up should serve as a warning not to let any other radioactive wastes
- > and materials out of regulatory control.
- >
- > The fact that radioactive waste is already getting out should not be used
- > to
- > justify legal levels allowing more out. The NRC, EPA and DOE should
- > prevent
- > future and correct past releases. The fact that other countries are
- > releasing radioactive materials into the marketplace is no excuse for us
- > to
- > legalize it. The United States should take the lead in preventing
- > contamination of the international marketplace. We protect ourselves best
- > by

- > not facilitating international radioactive commerce.
- >
- > The fact that it is difficult and expensive to monitor and detect
- > radiation
- > does not justify its release. It is all the more reason to prevent any
- > wastes getting out, so we don't have to check routinely for contamination.
- > The nuclear industry and regulators should be aware of what materials at
- > reactor and weapons sites are wastes and which have been contaminated.
- > Those
- > materials must be isolated, not released, at any level.
- >
- > The mindset of 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.
- >
- > 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.
- >
- > In conclusion, the comment period should be extended and the NRC should
- > serve the interests of the public instead of the nuclear industry and
- > prohibit the release of radioactive materials into commerce.
- >
- > Sincerely,



Shawn W. Higgins  
PO Box 3222  
Portland, Or. 97208