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National Materials Program: Request Approval of the Formation of a Working Group on the Increase in the Number of Agreement States and Impact on NRC's Materials Program

Statement of Noel Petrie

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The American public does not want unnecessary exposures to radiation. This is a message the NRC has heard many, many times. The current situation in which agreement states allow case-by-case releases of radioactively contaminated materials that are recycled into household products or disposed of in municipal garbage dumps is outrageous. Agreement states do not have this authority to release radioactive material into the public domain.

The NRC should fulfill its obligation to protect Americans by prohibiting the release of solid materials that are radioactively contaminated above background level. It should not be aiding and abetting agreement states in foisting this toxic trash upon the public. What is it going to take to make this agency operate in the public interest?

Time and time again citizens have told the Nuclear Regulatory Commission (NRC) that they are unwilling to assume the risks posed by releasing radioactive material. When the NRC attempted to deregulate radioactive waste under certain levels of contamination over a decade ago, a large public outcry resulted. This outpouring of grassroots opposition to radioactive recycling, created the momentum for the U.S. Congress to revoke the NRC's below regulatory concern policies (BRC) in a provision of the Energy Policy Act (EPACT), which was signed into law on October 24, 1992.

Unfortunately, the NRC almost immediately turned around and began pursuing a new plan to deregulate radioactive waste, despite the opinion of the American public and action by Congress. The NRC began a contractual relationship with a private contractor called Science Applications International Corporation (SAIC) on August 18, 1992, which continued until 1999. The contract clearly states that SAIC is to provide the NRC's research branch with detailed technical assistance in the development of an information base and subsequent rulemaking related to the recycling and reuse of material and

equipment from nuclear facilities. It shows that the NRC has been dependent on SAIC for almost every aspect of the policy and regulatory work.

So, even though the NRC's BRC policies were revoked by Congress, the agency continued its contractual relationship with SAIC, which began two months before EPACT was signed into law. Not only did the NRC continue pursuing BRC policies under a different guise, it used a contractor with a serious conflict of interest. As is well documented, SAIC has a conflict-of-interest in its work with the NRC because it is a teaming partner with BNFL in the quarter billion dollar DOE Oak Ridge, Tennessee contract.

Although the NRC has recently stopped SAIC's work on the radioactive recycling rulemaking, that is not good enough. The NRC has prejudged the outcome of the rulemaking and compromised it by using a contractor with a serious conflict of interest in developing the technical basis for this rulemaking. We call upon the NRC to disregard all of the analysis completed by SAIC and to require that SAIC reimburse the agency for the entire amount of money that it received for the contract.

The NRC should protect the public not the pocketbooks of the nuclear industry or private contractors.