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PROPOSED RULE PR 40
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5

COMMITTEE ON RESOURCES
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DOCKETED
USNRC

November 25, 2002 (3:13PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

The Honorable Richard A. Meserve
Chairman, U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Meserve:

I am writing about a matter of significant concern – the need to protect the public from unnecessary exposure to radiation – as it relates to the NRC's Proposed Rulemaking dealing with transfers of low concentrations of radioactive "source" material to persons exempt from NRC licensing requirements.

In a Federal Register notice dated August 28, 2002, the Nuclear Regulatory Commission (NRC) proposed to amend regulations in 10 C.F.R. Part 40. The proposed rule would establish new requirements for NRC approval of licensee transfers of "source" materials containing low concentrations of uranium or thorium (specified as less than 0.05 percent by weight) to persons exempt from licensing.

My understanding is that the proposal is intended to lessen the likelihood that transfers of these radioactive materials will pose a risk to human health or the environment. I fully support that objective, but I think the proposed rule as currently drafted fails to adequately address and resolve a number of critical issues related to the safe management of radioactive waste.

First, the proposed rule represents a "piecemeal" approach to the regulation of radioactive waste. It focuses on one category of such waste -- materials containing uranium and thorium -- but fails to address the wide range of other wastes. I understand that previous reviews of current requirements for management and control of various radioactive wastes -- including those dealt with in the proposal -- have identified significant inconsistencies and a need for clarification. By addressing only one, limited category of low-activity radioactive material, the proposed rule does not adequately address this problem.

Second, my understanding is that the radiation doses that would be permitted for transfers of these materials under the proposed rule are inconsistent with -- and higher than -- levels allowed by NRC regulations associated with the management and disposal of other radioactive materials.

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1
SECY-02

Chairman Meserve
November 12, 2002
Page 2

III

I think NRC should instead follow a more precautionary course and require the most protective regulatory controls, with a consistent goal of preventing radioactive exposures and doses that could have adverse effects on human health or the environment.

I urge NRC to reconsider the proposed rule and consider adoption of one that would prohibit transfers of now-unregulated radioactive materials to unlicensed recipients

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Udall".

Mark Udall