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NEW MEXICO ENVIRONMENTAL LAW CENTER

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attn: Rulemaking and Adjudications Staff

RE: New Mexico Environmental Law Center Comments on the United States Nuclear Regulatory Commission Rulemaking on Controlling the Disposition of Solid Materials

Dear Sir or Madam:

Please accept the following comments of the New Mexico Environmental Law Center on the United States Nuclear Regulatory Commission's ("NRC") rulemaking on controlling the disposition of solid materials. The NRC requested comments on the scope of proposed rulemaking in the Federal Register, Rulemaking on Controlling the Disposition of Solid Materials: Scoping Process for Environmental Issues and Notice of Workshop, Volume 68, Number 40, dated February 28, 2003 ("Rulemaking").

The New Mexico Environmental Law Center ("Law Center") works to protect New Mexico's communities and their environments through public education, legislative initiatives, administrative negotiations and litigation. We work solely on New Mexico issues. Since 1987, the Law Center has been providing free or low cost legal services to citizens who otherwise would not have a voice in the complex legal proceedings that directly impact their environment.

The Law Center recommends that the scope of the NRC Rulemaking should be strictly limited to regulatory options that would prohibit the deregulation of any solid materials with detectable radioactivity and release of that nuclear waste into the marketplace for unrestricted or conditional uses. Instead of a Rulemaking that focuses on ways to distribute radioactive materials into the stream of public commerce, the NRC Rulemaking should instead focus on ways to better isolate nuclear waste from the public and the environment.

The NRC's proposed rules could have a devastating effect on many communities in New Mexico. The environment in numerous New Mexico communities is already contaminated with radioactive waste from New Mexico's two National Laboratories and countless unremediated uranium mining sites. Those citizens already exposed to elevated levels of radiation due to environmental contamination should not have to bear the additional insult of radioactive contamination from everyday household items.

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Finally, as a regulatory agency charged with ensuring the public health and safety, the NRC should not be promoting rulemakings that will result in disproportionate benefits to the regulated community at the expense of the public interest. Rather than requiring the nuclear power and weapons industries to take responsibility for their own wastes at their own expense, the Rulemaking will allow those industries to externalize their wastes. The public will not only bear the burden of the public health consequences of this Rulemaking, it will also bear the overwhelming economic burden.

Yours truly,

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