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USNRC

To: U.S. Nuclear Regulatory Commission  
Washington, DC 20555

July 10, 2003 (3:50PM)

From: Citizen Action New Mexico

**DOCKET NUMBER**  
**PROPOSED RULE PR 20**  
**(68 FR 09595)**

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

RE: Rulemaking releasing control of radioactive solids/ "recycling" radioactive wastes  
10 CFR 20 "Control of Disposition of Solids" 68 FR 40:9595-9602, 2-28-03

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Dear Sirs:

The U.S. Nuclear Regulatory Commission should abandon its efforts to deregulate radioactive wastes. All atomic waste and materials potentially contaminated with radioactivity from nuclear industry processes should be isolated from the environment and the public. Deliberately putting nuclear-contaminated materials, at any level, into recycling streams, whether "restricted" or unrestricted, will pollute the recycling supply and threaten the viability of recycling industries. It is unfair to shift the burden of measuring and isolating radioactive materials from the nuclear power industry, which profits from generating atomic waste, to clean recycling industries that do not generate such long-lasting and deadly poisons. Likewise, this waste should not be dumped in landfills where it can leak into ground water and drinking water to potentially contaminate soil, air, flora and fauna - and humans - for generations to come. Also, new compounds are formed (radiolysis) when radioactive materials come into contact with petroleum-based products that can present additional hazards.

Permitting radioactively contaminated materials into everyday commerce increases health risks to workers, the public and the environment and puts recycling industries/manufacturers/retailers and solid waste facilities at financial and legal risk. We recommend that the US Nuclear Regulatory Commission refocus its resources to maintain control and isolation of nuclear materials rather than "justifying" deliberate loss of control. Both the "release" and the "dispose at Environmental Protection Agency waste sites" options are unacceptable. Radioactive materials should remain in specifically licensed radioactive facilities under regulatory control with the goal of isolation from the public and environment.

"Conditional use" or "restricted release" of radioactive materials for industrial uses instead of personal use will still result in radiation exposure to workers and members of the public and should be prevented. There are no mechanisms in place to track the end uses of recycled materials to guarantee they do not get into personal use items, even if they are originally released with the intent of limited use.

We oppose the exemption of radioactive and potentially radioactive materials from regulatory control and urge the U.S. Nuclear Regulatory Commission to enforce a prohibition on the release and recycling of such materials. Keep nuclear waste out of recycling supplies and out of municipal landfills. The scope of this rule should not waste resources on deregulating waste, but expanded to explore and develop better and more effective ways to isolate nuclear waste from the environment. Thank you.

Sincerely,

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