

**PR 20,30,31,32,33,35,50,61,62,72,110,150,170 and 171  
(71FR42952)**

**DOCKETED 09/06/06**

**From:** Vernon Brechin <v\_brechin@yahoo.com>  
**To:** <SECY@nrc.gov>  
**Date:** Mon, Sep 4, 2006 9:43 PM  
**Subject:** RE: (RIN 3150-AH84)

**Comment No. 9**

Monday, September 4, 2006

Secretary, U.S. Nuclear Regulatory Commission  
Office of Nuclear Material Safety and Safeguards

ATTN: Rulemakings and Adjudications Staff  
RE: (RIN 3150-AH84)

Dear staff:

Thank you for this opportunity to comment on the Proposed Rule involving requirements for expanded definitions of Byproduct Material. Currently, the Nuclear Regulatory Commission (NRC) activities are largely restricted to the Byproduct Material that is defined in the U.S. Code in Section 2014(e)(2). The definition given, in Sec. 2014(e)(1), has been ignored by the U.S. NRC and the U.S. EPA.

That Byproduct Material definition now reads as -

(1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

Please consider expanding the NRC's rules to include this category of Byproduct Material. In any case, all legal references to the term Byproduct Material should specify whether the reference is to the Section 2014(e)(1), (e)(2), (e)(3), or the (e)(4) definition.

A portion of the radioactive waste debris resulting from nuclear explosions would fall under the 2014(e)(1) definition. Since numerous nuclear explosions were conducted to demonstrate the civil uses of nuclear energy the NRC and EPA should play a role in characterizing the radioactive debris that resulted. If the NRC and EPA are excluded from exercising control over Section 2014(e)(1) Byproduct Material then the public deserves a full explanation behind that decision.

I trust that NRC will expand its duties in protecting the U.S. population from numerous sources of radioactive sources and debris.

Sincerely,

Vernon Brechin

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