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PROPOSED RULE **PR 20**
(64FR35090)

ACURI

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18714

Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attention: Rulemaking and Adjudication staff

Subject: 10CFR Part 20. "Release of Solid Materials at Licensed Facilities: Issues Paper, Scoping Process for Environmental Issues and Notice of Public Meetings"

ACURI is a trade association that represents over 1,000 licensees and permit-holders of radioactive materials primarily from the Appalachian Compact states of Delaware, Maryland, Pennsylvania and West Virginia. The ACURI (Appalachian Compact Users of Radioactive Isotopes) Association has a diverse base of membership including academic, medical, industrial, pharmaceutical, governmental, laboratory, manufacturing and nuclear utility members.

Comments provided at this time primarily represent a compendium of information gathered from a roundtable convened by ACURI on November 18, 1999, in Harrisburg, Pennsylvania. Our roundtable dealt specifically with your rulemaking consideration. The roundtable was made up of members of ACURI's Technical and Regulatory Advisory Committee (TRAC). The roundtable also included other interested members, and several invited guests who acted as resource people to TRAC. They included representatives from organizational groups interested in this subject and others from the US EPA (NRC invited but could not attend) and several representatives from state radiation control offices from Delaware, Maryland and Pennsylvania. ACURI's Board of Directors has reviewed and approved ACURI's comments on this subject. Information about our Association can be found on our website: <http://www.acuri.com>.

ACURI endorses the NRC's review of this matter to establish requirements on releases of solid materials, as the NRC has done for air and liquid releases. ACURI encourages the NRC to apply the following four questions of principle in every phase of their review. They are:

- 1) *Is it Prudent?*
- 2) *Is it Practical?*
- 3) *Is it Reasonable?*
- 4) *Is it Consistent?*



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PDR PR 20 64FR 35090

1) Being PRUDENT

Is there a public health and safety issue?

What is the cost/benefit of change and implementation?

Final Draft for Discussion Only Version 4.0 12/6/99, Page 2 of 4

Subject: 10CFR Part 20. "Release of Solid Materials at Licensed Facilities: Issues Paper, Scoping Process for Environmental Issues and Notice of Public Meetings"

Will any change and implementation have an impact on human life, the environment or economics?

- Unnecessary regulatory burdens—those not tied to the protection of the public health and safety—should not be implemented and should be eliminated.
- The use of, "risk informed performance based" rule making is encouraged.

2) Being PRACTICAL

Will the criteria to implement the rule be measurable?

Will the rule attend to different nuclides?

Will process knowledge and scaling be considered or factored into the rule?

Will current licensees be grandfathered?

• Solid material releases that fall below public health and safety or the environmental limits should be available for reuse, recycling and /or disposal in landfills. Criteria for landfill disposal versus criteria for recycling purposes should be different. A clear, understandable, dose-based standard for the release of solid materials and a consistent regulatory approach should increase public confidence in the NRC's regulatory processes. Requiring solid materials to remain at nuclear facilities that pose a negligible risk to humans or the environment is a misuse of societal resources. Adoption of a reasonable dose-based standard for releasing solid materials will maximize the use of resources. Conservation of resources through recycling and reuse, without endangering either the public or the environment, makes good public policy and common sense.

• According to our members who work with large equipment, they strongly believe that some knowledge level needs to be provided in conjunction with survey results to make a final determination since a 100% survey is not always possible. The US EPA allows generators of hazardous waste the ability to define a material as hazardous or not based solely on "generator knowledge". In the case of solid materials, equipment in particular, the licensee will need some ability to apply knowledge of use of the material to determine if the release criteria are met. If full and complete surveys are required it may require destruction of the piece rendering it useless.

• If the NRC ultimately adopts a dose-based standard compatible with proposed international standards, the potential for American firms to be placed at a competitive disadvantage in the global market should be eliminated.

3) Being REASONABLE

Will the proposed rulemaking recognize the existing liquid and air release limits?

How will ALARA be implemented?

Will there be different criteria for landfill disposal and for recycled material use?

- Use of overly conservative assumptions in the selection of model input parameters should be avoided. Simplifying assumptions not supported by scientific data must be avoided.

4) Being CONSISTENT

Will there be consistency with international standards?

What are the implications of international v. domestic standards?

- ACURI supports and encourages the adoption of standards that will be compatible with proposed international standards. Adoption of unrealistically low criteria for release of solid waste materials, which can differ from the international community can significantly impact international trade and development.

- While case-by-case technical review has protected the health and safety of the public, it has also tended to create confusion. This issue, however, has other inherent problems because of different survey instruments and levels of detection. We encourage the NRC to carefully study this aspect of any proposed rule; the desire to be consistent must have to deal with multiple isotopes and management circumstances. For a sound scientific basis of rule making regarding this issue, investigating other materials such as building materials, soils, equipment, furniture and other metals, such as nickel, is appropriate. These have not been covered in NUREG-1640, Vol. 1., "Radiological Assessment for Clearance of Equipment and Materials from Nuclear Facilities."

ACURI specifically recommends the following:

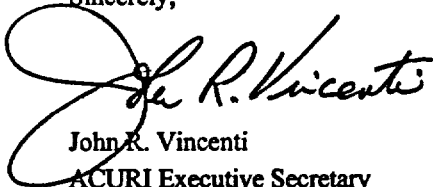
1) Set a disposal criteria of 1 mrem/yr offsite dose and an additional limit for temporary storage.

2) The standard apply to, and specifically list, materials such as concrete, soil, sewage, and dried solids.

3) Referring to A.1.2, Paragraph 3, regarding "material used for Radioactive Service in the Facility....", we request clarification of what the areas are and the criteria for determining if an "source area" is acceptable.

In conclusion, on behalf of the Board of Directors and the TRAC, ACURI thanks the NRC for allowing us to have this opportunity for preliminary comment prior to the Commission's deliberation on this matter. ACURI will continue to monitor this important issue for future comment or interaction with the NRC.

Sincerely,



John R. Vincenti
ACURI Executive Secretary

Cc: Board of Directors