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Secretary
Attention: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**Paducah Gaseous Diffusion Plant
Portsmouth Gaseous Diffusion Plant
Docket Nos. 70-7001 & 70-7002
USEC Comments on NRC Issue Paper and Scoping Process for Environmental Issues
Associated with Release of Solid Materials at Licensed Facilities. (64 FR 35090)**

Dear Madam:

United States Enrichment Corporation (USEC) is pleased to have the opportunity to provide comments on the NRC Issue Paper and Scoping Process for Environmental Issues Associated with Release of Solid Materials at Licensed Facilities, published in the Federal Register on June 30, 1999 (as amended October 19, 1999). USEC endorses the comments provided to the NRC by Nuclear Energy Institute (NEI) on this subject and provides the following additional general and specific comments.

General Comments

1. USEC believes that the NRC is bound by statute to use the technical standards for release of solid materials found in ANSI Standard N13.12, "Surface and Volume Radioactivity Standards for Clearance." Section 12(d)(1) of the National Technology and Transfer Act of 1995 (Pub. L 104-113) states that, "...all Federal agencies and departments *shall* use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments." The Act allows an agency to take exception to this requirement if adopting the technical standards would be inconsistent with applicable federal law or impractical, USEC does not believe the exceptions are warranted in this case, nor has the NRC provided any evidence to suggest so. USEC urges NRC to adopt the ANSI standard in this area as required by the National Technology and Transfer Act of 1995.
2. Concerning the applicability of the potential rulemaking to set specific requirements for release of solid materials, USEC proposes that the NRC make clear that it intends to apply these new requirements to the Gaseous Diffusion Plants. Currently the issue paper references only NRC or Agreement State licensed facilities. Proposed rulemaking in this area should be written such that it is clear that it applies to all facilities that are regulated by the NRC or an Agreement State, including holders of Certificates of Compliance.

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Specific Comments

3. Issue No. 2, Proposed Alternatives to Rulemaking

Initially, guidelines should be developed for the release of non-reusable materials (e.g., concrete and other construction materials, protective clothing, trash) for disposal in conventional landfills. This would provide a suitable outlet for materials that must currently be stored or treated – both of which are costly options. Generic pathways analyses based on current landfill designs could be prepared which would establish dose-based limits for volumetric contamination.

4. Issue No. 3, Restrictions on Future Use of Solid Materials

- (a) Establishing restrictions for subsequent use of released reusable materials will be difficult if not impossible to enforce. Some materials, such as metals, plastics, paper, etc., are re-used many times. Tracking of future re-use will be unfeasible. Any release criteria should be established on the basis of safety regardless of the use.
- (b) Once the material leaves the control of the generator, having been released in accordance with regulations placed on the generator, the burden of complying with any restrictions must be placed on the subsequent processors and users. The original generator should not be held accountable or liable for any subsequent use or processing.
- (c) One alternative discussed under this issue is to require processing of released material under an NRC license. Most metal suitable for recycling is released under the guidelines of Regulatory Guide 1.86. Releases under this guide do not require NRC licensing for re-use. Requiring a license for the re-use of other types of materials would be inconsistent with existing requirements.

If you have any questions regarding the information in this letter, please contact Ms. Lisamarie Jarriel of my staff at (301) 564-3247.

Sincerely,

S. A. Toelle

Steven A. Toelle
Nuclear Regulatory Assurance and Policy Manager

cc: M. Galloway, NRC Headquarters
R. Pierson, NRC Headquarters
P. Hiland, NRC Region III
D. Hartland, NRC Resident Inspector, PORTS
K. O'Brien, NRC Resident Inspector, PGDP