

564



DOCKETED
USNRC

Westinghouse
Electric Company

'99 DEC 27 P5:41

Box 355
Pittsburgh Pennsylvania 15230-0355

December 21, 1999

OFFICE OF THE
GENERAL COUNSEL
RULEMAKING AND
ADJUDICATION STAFF

Secretary
U. S. Nuclear Regulatory Commission
Washington, DC 20555

DOCKET NUMBER
PROPOSED RULE PR 20
(64FR35090)

Attention: Rulemaking and Adjudication Staff

Subject: Release of Solid Materials at Licensed Facilities: Issues Paper, Scoping
Process for Environmental Issues, and Notice of Public Meetings
(64FR35090, June 30, 1999).

The Westinghouse Electric Company is pleased to have this opportunity to provide comments on the above referenced subject. This issue is of great importance to Westinghouse and the nuclear industry as a whole. The current regulatory scheme for controlling the release of solid materials is inconsistent and burdensome. It based on a regulatory framework of inconsistent regulations, guidance documents and case by case decisions rather than a dose-based standard that can be justified and applied with consistency. The proposed rulemaking would set such standards on the clearance of materials and equipment having residual radioactivity. The current approach does provide a reasonable degree of public protection but does not establish a firm regulatory basis.

Westinghouse commends the NRC for taking this initiative towards a formal rulemaking process. This standard should be developed in a rulemaking process similar to that for the establishment of the decommissioning criteria. Such a process would provide the opportunity for all interested parties to be involved.

Westinghouse also concurs with the more detailed comments provided by the Nuclear Energy Institute and wishes to offer the following specific comments regarding the issues raised in the Federal Register notice:

- A consensus national ANSI standard is being developed "to provide guidance for protecting the public and the environment from radiation exposure by specifying a primary radiation dose criterion and derived screening levels for the clearance of items that could contain radioactive materials". This document, when approved, should be ample guidance for the nuclear industry to ensure that materials, released from further radiation protection controls, meet acceptable criteria in a practical manner. If the NRC believes that a regulation must be promulgated, then it should reference this ANSI standard.
- The ANSI document and NUREG-1640 appear to support Regulatory Guide 1.86 as far as surface contamination limits are concerned. As an alternative to development of a dose based standard, the NRC should consider uniform application of the guidelines presented in Regulatory Guide 1.86 throughout the nuclear industry.

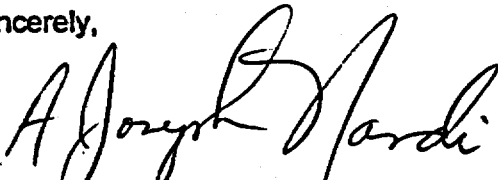
PDR PR 20 64FR35090

DS10

- If a dose-based standard is developed, consideration should be given to establishing 25 mREM per year as the limit, which is consistent with proposed NRC criteria for decontaminating and decommissioning nuclear facilities.
- At the first two public meetings, there were discussions regarding restricting materials released from nuclear facilities to certain uses (e.g., bridge girders) to limit doses to the public, and perhaps extending the licensing of these materials to some end point. This would involve a complicated process and burden on both the NRC and the nuclear industry. We do not agree with this approach, and believe that a dose based ANSI standard should be sufficient to protect the public and the environment without any further restrictions on the released materials.
- During the establishment of standards, the sensitivity of existing radiation detection instruments should be taken into account to ensure that the nuclear industry can practically verify that the limits are not exceeded.
- NUREG-1640 did not include soils and other materials from the standpoint of mass-based materials. Data from the ANSI standard could be used to establish these screening levels.
- In establishing screening levels, the NRC should consider the impact of atmospheric nuclear weapons testing and other man-made contributions to the natural background, particularly on the steel manufacturing industry. For example, steel manufactured subsequent to atmospheric weapons testing steel already contains man made radioactive materials, and any contributions from the nuclear industry over and above these levels should be negligible.
- Consideration should be given to "grandfathering" existing NRC approvals of materials, e.g., calcium fluoride, currently released by fuel cycle facilities. Regarding calcium fluoride, please note that there is significant radioactivity in naturally occurring calcium fluoride, which should be taken into account when establishing limits for these materials. Concentrations of uranium in natural calcium fluoride range up to 30 picocuries per gram.
- Cost-benefit analyses should be performed before a decision is made to promulgate a new regulation, and should include the full range discussed in the proposal.

If you have any questions concerning these comments, please contact me at the above address, by telephone at 412-374-4652 or by email at nardiaj@westinghouse.com.

Sincerely,



A. Joseph Nardi, Supervisory Engineer
Environment, Health and Safety