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USNRC

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Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

December 20, 1999

DOCKET NUMBER
PROPOSED RULE PR 20
(64FR35090)

Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemaking and Adjudication Staff

Subject: Comments on Release of Solid Materials at Licensed Facilities:
Issues Paper, Scoping Process for Environmental Issues, and Notice
of Public Meetings -- 64 *Federal Register* 35090 -- June 30, 1999

CNRO-99/00027

Ladies and Gentlemen:

This letter is in response to the request for comment on the referenced issues paper and scoping process, and notice of plans for public meetings. Entergy Operations, Inc. (Entergy) appreciates the opportunity to provide comments, which are contained in the attachment.

In addition to our comments, Entergy agrees with the comments submitted by the Nuclear Energy Institute (NEI) and supports developing a reasonable and measurable standard for the release of potentially contaminated materials from nuclear facilities. The NRC's current policy for regulating the release of potentially contaminated solid material is inconsistent and does not provide the same quality of regulation that exists for controlling release of potentially contaminated liquid and gaseous facility effluents.

Decisions regarding clearance of potentially contaminated solids are a day to day part of the operation of nuclear facilities. The standard for clearance of these materials should be practical and measurable so it can be verified by the public and effectively implemented in a consistent manner by the industry. Developing a dose-based standard for release of potentially contaminated materials will provide a realistic accounting of the radiological characteristics of the released material. A standard in the range of a few mrem/year would meet these criteria.

The NRC should ultimately develop a standard that is safe and fully protective of the public and the environment. Without the NRC's commitment, public confidence in the regulatory process will be impaired.

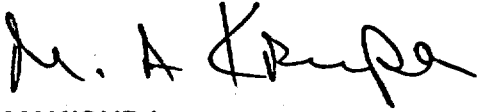
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Again, thank you for the opportunity to provide our comments.

Sincerely,



MAK/GHD:baa
attachment
cc:

Mr. C. M. Dugger (W-3)
Mr. W. A. Eaton (GGNS)
Mr. R. K. Edington (RBS)
Mr. C. R. Hutchinson (ANO)
Mr. M. R. Kansler (ECH)
Mr. J. R. McGaha (ECH)

Mr. R. J. Fretz, NRR Project Manager, RBS
Mr. N. D. Hilton, NRR Project Manager, ANO-1
Mr. M. C. Nolan, NRR Project Manager, ANO-2
Mr. C. P. Patel, NRR Project Manager, Waterford-3
Mr. S. P. Sekerak, NRR Project Manager, GGNS

Specific Issues Associated with the Release of Solid Materials

- 1. All materials routinely released from nuclear facilities must be covered in some way. If difficulties with steel recycling impede the progress, it should be set aside until the international standard is developed. Steel is most likely to be traded internationally and should be treated as such. Materials released for reuse or direct disposal should be the first priority.**
- 2. Release criteria should be risk or dose based. Regulatory Guides should be drafted to provide the methodology for reasonable implementation. The methodology presented in ANSI N13.12, "Surface and Volume Radioactivity Standards for Clearance" should be considered for endorsement. The methodology should address the differences in licensee source terms and application of release criteria. The methodology should also address the release of material with the potential to contain discrete radioactive particles. This voluntary consensus standard is endorsed by the Health Physics Society, is consistent with the philosophy and approach of the IAEA, and should be considered by the NRC as was intended by Public Law 104-113 *"National Technology and Transfer Act of 1995"* and by the OMB Circular A-119, *"Federal Participation in the Development and Use of Voluntary Consensus Standards."***
- 3. A majority of the NUREG-1640 analysis effort was spent on the issue of recycling contaminated metal. Although the recycled steel industry cited no demonstrable health and safety impact associated with metal recycling, they nevertheless were very concerned that public perceptions associated with recycling of potentially contaminated steel would stigmatize recycled steel products. From our perspective it is not essential that recycling of contaminated metals be authorized as part of the rulemaking. However, we do feel strongly that there should not be a blanket prohibition of metal recycling since there is no definitive health and safety basis for such an action.**