

123 Main Street
White Plains, New York 10601
914 681.6950
914 287.3309 (Fax)

644

DOCKETED



'99 DEC 29 AS:33

James Knobel
Senior Vice President and
Chief Nuclear Officer

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

December 22, 1999
JPN-99-045
IPN-99-134

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemaking and Adjudications Staff

Subject: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Indian Point 3 Nuclear Power Plant
Docket No. 50-286
Comments on NRC Issue Paper Regarding
the Release of Solid Materials from Licensed Facilities

References: See below.

Dear Sir:

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 (Reference 1). On October 19, 1999, the comment period was extended to December 22, 1999 (Reference 2).

The Nuclear Regulatory Commission (NRC) should proceed with the development of a rulemaking for the release of solid materials from nuclear facilities. Existing controls for the release of solids rely too heavily on case-by-case exceptions, NRC staff guidance and regulations the NRC itself has labeled inconsistent. Additionally, the need for a rule addressing solids is evident since regulations or guidance are already in-place for gaseous and liquid effluents releases.

Any new or revised rule should be based on a technically justifiable, risk-based radiological dose standard that clearly relates solid material release limits to its associated risk to the public. A new rule should ensure consistent, repeatable results given the same release material. A new rule should also include criteria for the release of volumetric materials, as well as solids.

The Authority commends the NRC for the four public meetings conducted thus far on this issue. These meetings demonstrate a clear commitment by the NRC to stakeholder

PDR PR 20 64FR35090

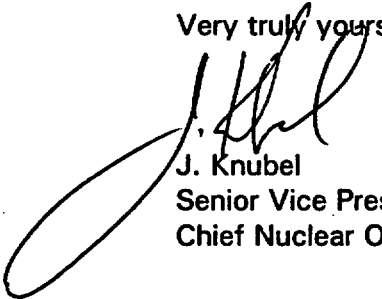
DS10

involvement in this issue. This high level of interaction should continue through the preparation of draft and final rules by ensuring frequent opportunities for meaningful dialogues.

In general, the New York Power Authority supports and endorses the comments prepared and submitted by the Nuclear Energy Institute (NEI) (Reference 3) on behalf of commercial power reactors regarding this issue. The Authority will continue to monitor the development of this issue, and any proposed rulemaking that may result through industry organizations such as NEI.

There are no commitments made by the Authority in this letter. If you have any questions, please contact Ms. C. Faison.

Very truly yours,



J. Knubel
Senior Vice President
Chief Nuclear Officer

References:

1. Federal Register, Vol. 64, No. 125, June 30, 1999, pp. 35090-35100, Release of Solid Materials at Licensed Facilities: Issue Paper, Scoping Process for Environmental Issues, and Notice of Public Meetings.
2. Federal Register, Vol. 64, No. 201, October 19, 1999, p. 56274, Control of Release of Solid Materials at Licensed Facilities: Notice of Extension of Public Comment Period on Issues Paper.
3. Nuclear Energy Institute letter, L. Hendricks to USNRC dated December 22, 1999 regarding Release of Solid Materials at Licensed Facilities.

cc: Regional Administrator
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Office of the Resident Inspector
James A. FitzPatrick Nuclear Power Plant
U.S. Nuclear Regulatory Commission
P.O. Box 136
Lycoming, NY 13093

Office of the Resident Inspector
U.S. Nuclear Regulatory Commission
Indian Point 3 Nuclear Power Plant
P. O. Box 337
Buchanan, NY 10511

cc: cont'd

**Mr. George F. Wunder, Project Manager
Project Directorate I
Division of Licensing, Project Management
U. S. Nuclear Regulatory Commission
Mail Stop 8C4
Washington, DC 20555**

**Mr. Guy Vissing, Project Manager
Project Directorate I
Division of Licensing Project Management
U.S. Nuclear Regulatory Commission
Mail Stop 8 C2
Washington, DC 20555**