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POWER REACTOR SECTION
OF THE HEALTH PHYSICS SOCIETY

June 30, 2003

Secretary
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

ATTN: Rulemakings and Adjudications Staff

SUBJECT: Comments on "Rulemaking on Controlling the Disposition of Solid Materials: Scoping Process for Environmental Issues and Notice of Workshop" (68 Fed. Reg. 9595, dated February 28, 2003)

Dear Sir or Madam:

This letter provides comments of the Power Reactor Section of the Health Physics Society, on the Nuclear Regulatory Commission (NRC) proposal to conduct rulemaking for controlling the disposition of solid radioactive materials, as described in the subject *Federal Register* notice.

The Power Reactor Section of the Health Physics Society recommends that the NRC proceed with rulemaking to establish, by regulation or policy, rules for controlling the release of solid material that satisfy the following three principles.

Template = SECY-067

SECY-02

- 1) **We believe rules governing the release of solid material should be based on sound radiation safety science.**

ANSI/HPS N13.12-1999, entitled "Surface and Volume Radioactivity Standards for Clearance", a consensus standard of the American National Standards Institute issued by the Health Physics Society, satisfies the principle of sound science. This risk-based standard provides comprehensive screening levels for items, equipment, and facilities using a dose criterion of 1 mrem per year, which is a very small fraction of natural background radiation. This very low dose criterion ensures public health and safety is adequately protected.

- 2) **We believe that in order to ensure public confidence, rules governing the release of solid material should be readily understandable.**

Unfortunately, much of the technical work inherent in ANSI/HPS N13.12 such as (1) selecting critical exposure groups and use factors, (2) defining environmental pathways and exposure scenarios, and (3) performing dose-based risk assessment is difficult to understand.

To supplement the screening values in ANSI/HPS N13.12, we recommend that the NRC establish instrument performance standards that readily demonstrate the safety associated NRC rules governing the release of material.

Common sense should persuade reasonable people that natural amounts of radioactivity found in common foods are inherently safe. Establishing rules requiring the use of instruments that are capable of detecting radioactivity in food provides a reasonable and readily understandable definition of "how hard to look" and "how clean is clean".

We recommend the following instrument performance standards. Gamma sensitive detectors commonly in use today to release individual items should be capable of detecting radioactivity in a bag of potatoes, packages of dried apricots, or containers of wheat germ. Beta sensitive detectors commonly in use today to release individual items should be capable of detecting radioactivity in a handful of "no salt". These performance standards should be equated to clearly defined detection limits for commercially available assayed sources of radioactivity.

3) We believe rules governing the release of solid material should avoid unnecessary regulatory burden.

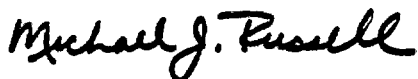
Under the current "no detectable activity" policy, no amount of radioactivity, no matter how small is considered acceptable for release. Since the air we breathe, the water we drink, and even the food we eat is naturally radioactive, this policy is unnecessarily restrictive.

Rules governing the release of solid material should establish a "bright line" that distinguishes between what is and what is not radioactive from the standpoint of requiring regulatory control. The comprehensive screening value specified in ANSI/HPS N13.12 satisfies the need for a "bright line". A predictable "bright line" avoids unnecessary regulatory burden while maintaining public confidence.

Existing practices for monitoring people and items released from nuclear reactor facilities should continue to be considered acceptable. Existing instruments and methods in use are so sensitive that they are capable of detecting amounts of natural radioactivity found in common foods. These existing practices already meet the common sense standard for "how hard to look" and "how clean is clean". Furthermore, these existing practices already use the best available technology to provide reasonable assurance that contaminated materials are properly controlled.

If you have any questions regarding our comments, please feel free to contact me.

Sincerely,



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Past President, Power Reactor Section

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