AC.14-2 001

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

JAN 29 1993

MEMORANDUM FOR : Nuclear Document System
Mail Stop P1-37

FROM: Catherine R. Mattsen, Radiation Protection and Health Effects Branch, DRA, RES

SUBJECT: REGULATORY HISTORY (57 FR 57649)

Enclosed for your processing are the regulatory documents comprising the regulatory history of the Notice of Final Rulemaking entitled "Disposal of Waste Oil by Incineration" which amended 10 CFR Part 20. This notice was published in the Federal Register on December 7, 1992 (57 FR 57649).

Catherine R. Mattsen

Catherine R. Mattsen
Radiation Protection and Health Effects Branch
Division of Regulatory Applications, RES

Enclosures:
1. Regulatory History Index
2. Regulatory History Documents

9302040004 930129
PDR PR
20 57FR57649 PDR

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Original Signed By:

Catherine R. Mattsen
Radiation Protection and Health Effects Branch
Division of Regulatory Applications, RES

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1. Regulatory History Index
2. Regulatory History Documents

Distribution: [NUDOCS.CRM] (without enclosure 2)
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DACool/RPHEB rf
RMeck
CMattsen

Offc:	RPHEB:DRA	RPHEB:DRA	RPHEB:DRA
Name:	CMattsen	RMeck	DACool
Date:	1/29/93	1/29/93	/ /93

OFFICIAL RECORD COPY

AC14-2
PDR

Regulatory History Index

Disposal of Waste Oil By Incineration, 10 CFR Part 20

RIN 3150-AC14
(December 7, 1992; 57 FR 57649)

1. Public comments on proposed rule (August 29, 1988; 53 FR 32914), numbers 1-26.

2. Memorandum from David L. Meyer to Catherine R. Mattsen, dated August 25, 1989, comments on preliminary draft of final rule.

3. Memorandum from Brenda Jo. Shelton to David L. Meyer, dated August 30, 1989.

4. Office concurrence request, December 15, 1989, from Eric S. Beckjord to Office Directors and the General Counsel.

5. Office concurrences/comments:
   ADM, January 11, 1990, Patricia G. Norry
   OGC, January 11, 1990, Stuart A. Treby
   OPA, January 12, 1990, Frank Ingram
   NRR, January 12, 1990, Frank P. Gillespie
   NMSS, January 16, 1990, Robert M. Bernero
   GPA, January 16, 1990, Harold R. Denton

6. Memorandum from Eric S. Beckjord to James M. Taylor, dated October 5, 1990.

7. Note from Eric S. Beckjord to Hugh L. Thompson, Jr., dated March 21, 1991.

8. Memorandum from James M. Taylor to the Commissioners, dated April 22, 1991, deferral of rule.

9. Office reconcurrence request, July 16, 1992, from C. J. Heltemes, Jr. to Office Directors and the Deputy General Counsel for Licensing and Regulations.

10. Office concurrences/comments:
    OPA, July 17, 1992, Frank L. Ingram, memo
    ADM, July 28, 1992, Patricia G. Norry, memo
    SP, July 31, 1992, Carlton Kammerer, memo
    NMSS, July 31, 1992, Robert M. Bernero, memo
    NRR, August 6, 1992, T. Murley, concurrence page

11. Memorandum from Brenda Jo. Shelton to Michael T. Lesar, dated August 3, 1992.

12. Memorandum from Eric S. Beckjord to James M. Taylor, dated August 11, 1992.

13. SECY-92-288, August 18, 1992.

14. Staff requirements memorandum, November 2, 1992, from Samuel J. Chilk to James M. Taylor.

15. Memorandum from Bill M. Morris to David L. Meyer, dated November 24, 1992.

16. Federal Register Notice, December 7, 1992, 57 FR 57649.

DOCKET NUMBER PROPOSED RULE PR 20 AC-14-2 (1) (53FR32914) PDR 002

ROBERT D. ORR, GOVERNOR
WOODROW A. MYERS, JR., M.D., STATE HEALTH COMMISSIONER

INDIANA STATE BOARD OF HEALTH
1330 WEST MICHIGAN STREET
P.O. BOX 1964
INDIANAPOLIS, IN 46206-1964

'88 SEP 26 A9:30

OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH

ISBH
INDIANA STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

September 21, 1988

Secretary
Attention: Docketing and Service
Branch Secretary
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Sir:

Thank you for requesting my comments on the proposed Rule for Disposal of Waste Oil by Incineration.

My staff and I have carefully reviewed this proposed rule and wish to be listed as in favor of its final adoption. The incineration of these slightly contaminated waste oils would have near "zero" effect on the health and safety of people and the environment.

We appreciate the opportunity to submit our input.

Sincerely,

T. S. Danielson, Jr., M.D., M.P.H.
Assistant Commissioner for
Health Maintenance

8809280112 1p.

"The health of the people is really the foundation upon which all their happiness and all their powers as a state depend."
–Disraeli

AC14-2 C03

DOCKET NUMBER
PROPOSED RULE PR 20
(53 FR 32944)

(2)

DOCKETED
USNRC

'88 OCT 21

DOCKETING & SERVICE
BRANCH

Dear Secretary.

We have 2 points to make. First do not take back the right of states to clean or dispose of their nuclear waste. We'm sure that given the knowledge of the difficulty of Nuclear Waste disposal the state will do a fine job of clean its own house. Where Reactors are far from environmentally sensitive areas the waste should be stored on site, but in reactors poorly sited like Indian Point waste material must eventually leave to a safe retrievable storage.

Second point, do not allow the incineration of radioactive waste oil at any reactor site. Any minimal air releases do not outweigh the cost advantage over other disposal options.

Saltzman 3091 Hickory
Yorktown Hts NY.
10598

Opie Saltzman

8811020183

AC 14-2 004

Ecology Task Force

(3)

Southern California Ecumenical Council
Post Office Box 32305, Los Angeles, California 90032

88 OCT 21 P3:27

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

October 18, 1988

Secretary
Nuclear Regulatory Commission
Washington DC, 20555

DOCKET NUMBER
PROPOSED RULE PR 20
(53 FR 32914)

Subject: 53 FR 167:32914, Proposals to A[illegible] Incineration of Waste Oil

Gentlemen:

There has been for some time in the religious community a group of people dedicated to preserving the environment, which we see as the sign of God's creation. Your proposal to allow the burning of waste oil, contaminated with nuclear material, and throwing that nuclear garbage into the air to spread poisonous materials with various half-lives across the land is a sin. Your suggestion that there will only be a slight increase of damage over what you already allow routinely from the plants is small comfort. We want you to take charge of the poisoning of the planet and stop these practices which are only leading to the death of the biosphere.

Your further statement that burning represents a cost advantage over other disposal options adds insult to injury. We already know that there is a lot of money involved in nuclear energy production and that a few people are making fortunes in the waste management business. If you were really concerned about saving money, you would shut down the whole industry tomorrow or at least you would make sure no more plants are constructed. At this point, with billions of dollars invested, safe disposal of the oil takes precedence over the cost.

Sincerely yours,

Albert G. Cohen
convenor

8811070221 1p

A C14-2 005

(4)

STATE OF MICHIGAN

DOCKETED USNRC

JAMES J. BLANCHARD, Governor

'88 OCT 21 A11:39

DEPARTMENT OF PUBLIC HEALTH

3500 N. LOGAN
P.O. BOX 30035, LANSING, MICHIGAN 48909
Raj M Wiener, Acting Director

OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH

October 13, 1988

DOCKET NUMBER PROPOSED RULE PR 20 (53FR32914)

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

Attention: Docketing and Service Branch

Dear Secretary:

This letter transmits our comments on proposed rulemaking by the U.S. Nuclear Regulatory Commission (NRC) concerning disposal of waste oil by incineration, as published in the Federal Register, Vol. 53, No. 167, August 29, 1988.

The proposed rule, in the form of an amendment to 10 CFR 20.305, would allow for onsite incineration of radioactively contaminated waste oils by nuclear power plants, provided that "the total radioactive effluents from the facility, including the effluents from such incineration must conform to the requirements of Appendix I to Part 50...", which provides for a design objective of 15 millirems/yr. to any organ of an individual in an unrestricted area.

The 1984 petition by the Edison Electric Institute, et al proposed that onsite incineration could be performed such that the dose to an individual member of the general public would be no greater than 1 millirem/yr.

Further, NRC nuclear plant licensees with existing license amendments allowing incineration of waste oil have been maintaining effluents at levels with projected offsite doses of no more than 15 microrems/yr., or 1,000 times lower than the 10 CFR 50, Appendix I design objective.

It would seem that since offsite dose projections can be reasonably limited to less than 1 millirem/yr., or even 15 microrems/yr., it would be appropriate for the NRC to maintain the 10 CFR 50, Appendix I design criterion of 15 millirems/yr. for nuclear plants with waste oil incinerators, but also require that the incineration effluents be limited such that projected offsite doses are no greater than 1 millirem/yr., which is well within the reasonably achievable level of practice and consonant with the ALARA principle.

8811020142 3pp

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Regarding the nonradiological aspects of the proposed rule, we solicited comments of the Michigan Department of Natural Resources, Air Quality Division, which are enclosed for your information and consideration.

Very truly yours,

Lee E. Jager

Lee E. Jager, P.E., Chief
Bureau of Environmental
and Occupational Health

LEJ/GBT

Enclosure

c: Robert Miller, AQD, DNR
James Cleary, LLRWA, DMB

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

RECEIVED
Michigan Department of Public He
OCT 07 1988
BUREAU OF ENVIRONMENTAL
OCCUPATIONAL HEALTH - DF

October 3, 1988

TO: George Bruchmann, Chief, Division of Radiological Health, Department of Public Health

FROM: Robert Miller, Chief, Air Quality Division
Department of Natural Resources

SUBJECT: Proposed rule for burning waste oil at nuclear power plants

We have reviewed the August 29, 1988, Federal Register regarding exemption of incineration of waste oil generated at a nuclear power plant at the plant site. The following are our comments.

1. They are proposing that the exemption would be allowed if the dose of radiation did not exceed 1 mrem/year. This would result in an increased cancer risk of 0.1 per million population. However, this does not include any impact from the emission of heavy metals that this agency considers to be carcinogenic.

2. Each specific site would need to be evaluated on a case-by-case basis. An air use permit application would need to be obtained from the Michigan Air Pollution Control Commission prior to the installation of any incineration equipment.

3. The Nuclear Regulatory Commission stated that the Environmental Protection Agency exempted waste oil from the requirements of hazardous waste disposal. This is true in most cases, but some waste oils can be a hazardous waste if certain parameters are exceeded. Onsite disposal of hazardous waste(s) would require approval under the RCRA and state hazardous waste rules and regulations. We have no data to ascertain what the expected level of metal contamination would typically be for a waste oil generated from a nuclear power plant.

In conclusion, even though the level of increased risk from radioactivity may be acceptable, it is not possible to determine whether the total risk from the emission of all possible carcinogens would be acceptable. A full review for each specific case would need to be done. Perhaps the NRC should mention that other federal, state, and/or local regulations must be complied with, and that their exemption does not override other requirements.

If you have questions regarding the above, please contact Dave Ferrier at 373-7085, or myself at 373-7029. Thank you for the opportunity to comment on these proposed rules.

Rick Johns ACTING

RPM:DAF:ja
cc: Al Howard, WMD

AC14-2 006

B. Ralph Sylvia
Senior Vice President

Detroit Edison

6400 North Dixie Highway
Newport, Michigan 48166
(313) 586-4150

DOCKETED
USNRC

(5)

'88 OCT 24 P2:52

DOCKETING & SERVICING
PROPOSED RULE PR 20
(53FR32914)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

October 21, 1988
NRC-88-0246

The Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

References: 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43

2) Proposed Rule on Disposal of Waste Oil by Incineration, Federal Register Vol. 53, No. 167, dated August 29, 1988 (FR Doc. 88-19545)

Subject: Detroit Edison's Comments on the Proposed Rule on the Disposal of Waste Oil by Incineration

The Nuclear Regulatory Commission has proposed to amend its regulations to permit the onsite incineration of slightly contaminated waste oils generated at licensed nuclear power plants without the need to specifically amend existing Part 50 operating licenses. This proposed action would help ensure that the limited capacity of licensed regional low-level waste burial grounds is used more efficiently while maintaining releases from operating nuclear power plants at levels which are "as low as is reasonably achievable" as required by 10CFR Part 50, Appendix I. Incineration of this class of waste would be carried out in full compliance with Commission regulations restricting the release of radioactive materials to the environment that are currently in force at each operating nuclear power plant. This proposed rule, if promulgated, would constitute a partial granting of a petition for rulemaking (PRM-20-15) submitted by Edison Electric Institute and Utility Nuclear Waste Management Group.

The Detroit Edison Company supports this amendment because it offers a potentially useful method for the disposal of slightly contaminated waste oils. The resulting effluents would not be exempt from the existing requirements of Appendix I of Part 50. Fermi 2 Technical Specifications specify Limiting Conditions for Operation which include dose limits for effluents at and beyond the site boundary and the associated monitoring and reporting requirements. Although this action may increase actual effluents, the radioactivity in these effluents would be accounted for against the existing limits which

8811020331 2pp.

cover total dose standards established for Fermi 2 which have been determined to satisfy the "as low as is reasonably achievable" criterion.

Based on these considerations, the incineration of slightly contaminated waste oils would not result in a significant increase in the risk to the health, safety or well-being of the general public or site personnel beyond those already assumed.

If there are any questions, please contact Mr. Arnold Jaufmann at (313) 586-4213.

Sincerely,

B Ralph Sylvia

cc: Mr. A. B. Davis
Mr. R. C. Knop
Mr. W. G. Rogers
Mr. J. F. Stang

AC14-2 007

(6)

Let's protect our earth

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF ENVIRONMENTAL QUALITY
CN 415
Trenton, N.J. 08625-0415
(609) 987-6402
Fax (609) 987-6390

Jorge H. Berkowitz, Ph.D.
Director

Gerald P. Nicholls, Ph.D., Assistant Director
Radiation Protection

'88 OCT 24 P2:54
OFFICE OF SECRETARY
DOCKETING & SERVICE BRANCH

October 26, 1988

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

SUBJECT NUMBER OF PROPOSED RULE PR 20
(53FR32914)

Attention: Docketing and Service Branch

Dear Sir:

In reference to the Nuclear Regulatory Commission's (NRC) proposed rule for the disposal of waste oil by incineration published in the Federal Register on August 29, 1988, the New Jersey Department of Environmental Protection's Bureau of Nuclear Engineering (BNE) has reviewed the proposed rule and agrees with the NRC position to amend 10 CFR 20.305 to allow radioactively contaminated waste oils generated at a licensed nuclear power reactor to be incinerated on-site.

An additional provision that BNE requests that the NRC include in this revision of the code is that the licensee report the volume of waste oil incinerated and the concentration(s) of radionuclide(s) in the Semiannual Radioactive Effluent Release Report (10 CFR 50.36a). The Semiannual Radioactive Effluent Release Report is an important document that the BNE uses for its integrated surveillance program of nuclear generating stations in New Jersey.

If you have questions regarding this matter, please contact either Ms. Jennifer Moon or Mr. Duncan White of my staff at 609-984-2032.

Sincerely,

Gerald P. Nicholls

Gerald P. Nicholls, Ph.D.
Assistant Director

c: J. Moon, BNE
D. White, BNE

DW:L5

8811020105

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AC14-2 008

(7)

'88 OCT 24 P2:44

Texas Low-Level Radioactive Waste Disposal Authority

Lawrence R. Jacobi, Jr.
General Manager

7703 North Lamar Blvd.
Suite 300
Austin, Texas 78752
(512) 451-5292

Members of the Board

Elbert B. Whorton, Jr., Ph.D., Chairman
John E. Simek, C.H.P., Vice Chairman
Milton J. Gulberteau, M.D., Secretary
James P. Allison
William L. Fisher, Ph.D.
Jim R. Phillips

October 19, 1988

DOCKET NUMBER PR 20
PROPOSED RULE (53FR32914)

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

Attention: Docketing and Service Branch

Thank you for the opportunity to comment on the 10 CFR Part 20 proposed rule notice in the August 29, 1988 Federal Register, page 32914.

The Texas Low-Level Radioactive Waste Disposal Authority supports the proposed rule which would allow the onsite incineration of slightly contaminated waste oils generated at licensed nuclear power plants. This rule will help conserve limited low-level waste burial ground space and will allow disposal of waste oils by the preferred method of incineration.

Sincerely yours,

Christine G. Pollard

Christine G. Pollard, C.H.P.
Health Physicist

CGP/sz

cc: L. R. Jacobi, Jr., P.E.
General Manager

8811020211

ECOLOGY & ENVIRONMENT
FOX 521
BLOOMFIELD, NJ 07003

E Nemetny, Sec'y

AC14-2 009

(8)

Oct 20 -88

Re: Proposed Rule - Incineration of waste oil
FR - Aug 29-88, p 32914

Sec'y - NRC
ATT: DOCKETING & SERVICE BRANCH

88 OCT 24 P2:43

OFFICE OF SECRETARY
DOCKETING & SERVICE BRANCH

Gentlemen -

Of the four alternatives proposed for disposing of contaminated waste oil, incineration is certainly the least objectionable.

We have a question and a suggestion:

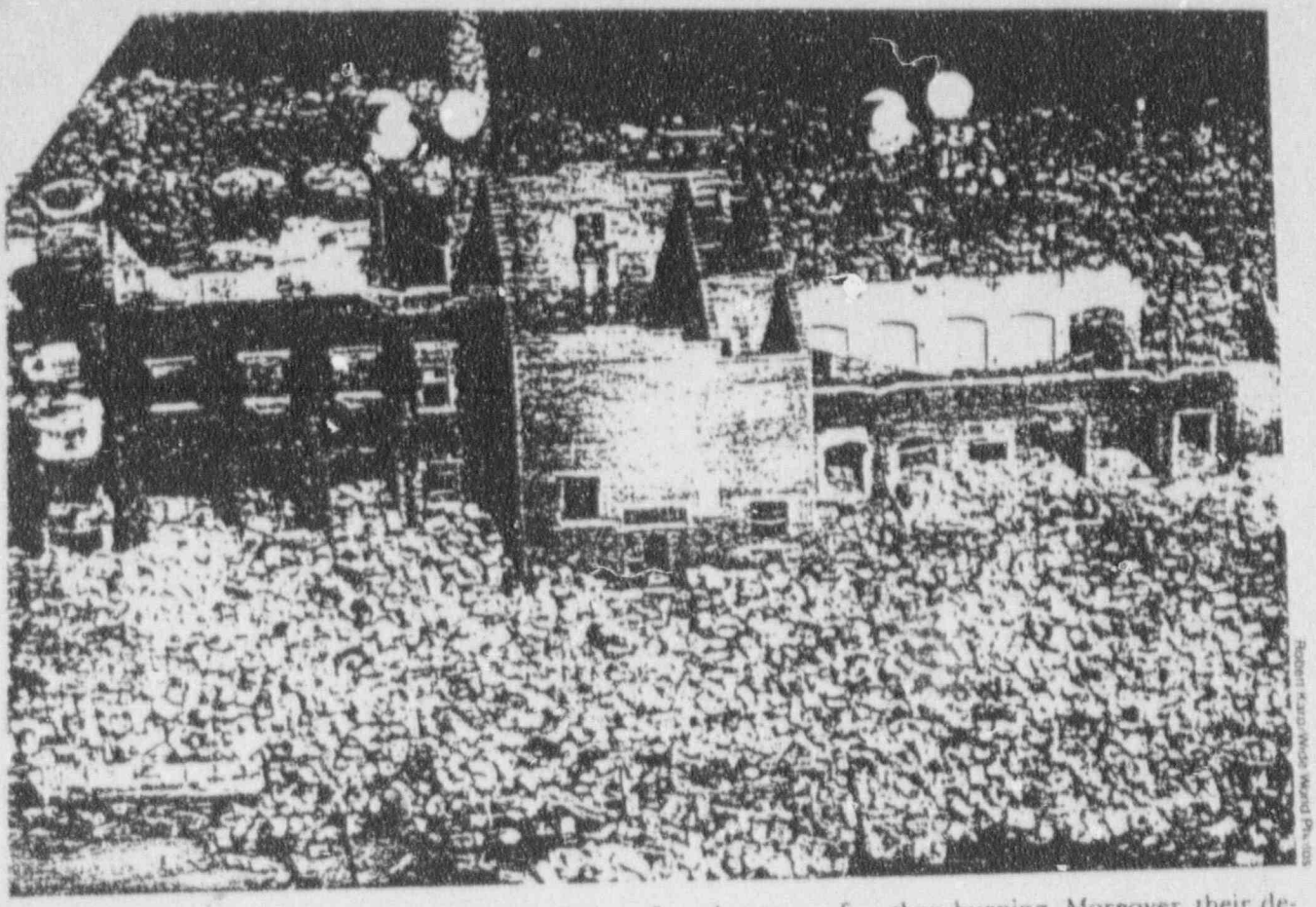
1 - You say a BWR produces up to 5000 gal/yr of contaminated oil. Would incineration of such a volume conform to the proposed dose limit of 1 mrem/yr to the general public?

2 - Enclosed, copy of page 81 from Science 83 magazine, re: Canadian engineer Tom Barton's plasma arc machine. At 45,000°F, it breaks up the molecules of toxic wastes into a plasma.
Why not give this method a trial run, using contaminated oil?

E. Nemetny

DOCKET NUMBER
PROPOSED RULE PR 20
(53FR 32914)

8811020079 2pp.



Robert Kano/Wide World Photos

In Earth Day, 1980, tens of thousands of barrels of hazardous waste stockpiled on a three-acre site in Elizabeth, New Jersey, exploded. The fire, left, raged for over 10 hours, reaching temperatures of ,000 degrees Fahrenheit and destroying both waste and warehouse, above.

Plasma Arc

Plasma arc detoxification obliterates wastes beyond our most sensitive gauge of parts per trillion. As Tom Barton, the Canadian engineer who designed a portable version of the technique explains, "Plasma arc torches provide the highest destructive energy possible, short of atomic reactors."

Donning protective eye shields, Barton and three methodical assistants melt through an inch-thick bolt in seconds. "This is the plasma state," he says of a glow that shines fiercely even through the heavily tinted lens. "Of course, I completely enclose the torch when I use it to destroy toxic chemicals."

Barton's invention sends a powerful bolt of electricity between two electrodes, heating the air molecules inside the two-foot-long chamber to a temperature of 45,000 degrees Fahrenheit, transforming them into a plasma. Sometimes called a fourth state of matter, plasma is a cloud of high-energy atoms, ions, and electrons. Because many of the particles in a plasma are charged, it is an extremely efficient conductor of electricity. As much as 99 percent of all matter in the universe—including stars, the aurora borealis, and interstellar space—is in a plasma state. Lightning bolts, fluorescent lights, and welding arcs are also plasmalike. In Barton's machine, toxic waste is fed into the center of the chamber where high-energy electrons bombard the material, breaking molecular bonds and reducing the substance to its basic elements, typically carbon, hydrogen, oxygen, and chlorine. Potentially dangerous gases are pumped to a second "scrubber" chamber where they are neutralized.

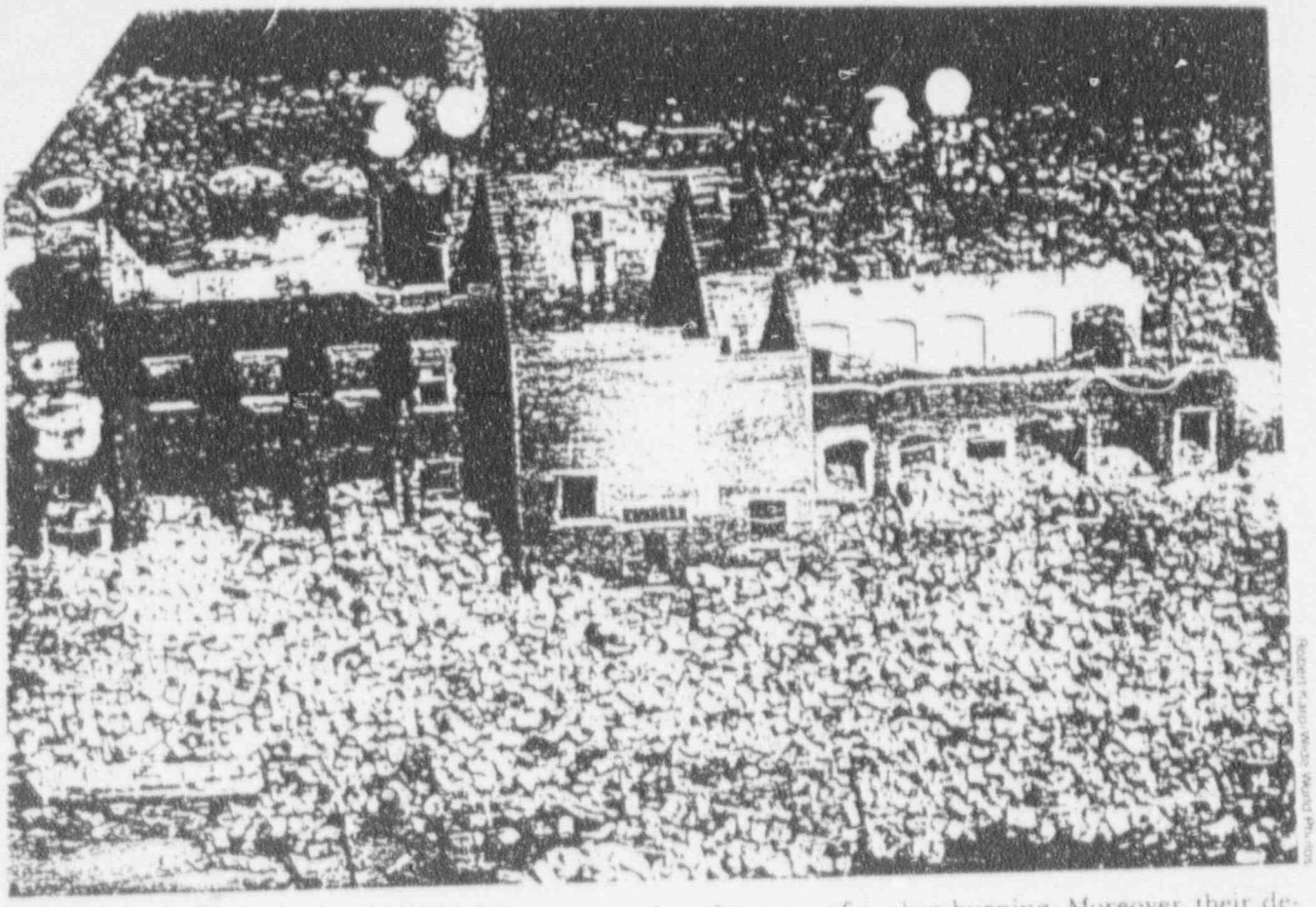
NASA developed plasma arcs 20 years ago to test the ability of space vehicles to face the intense heat of reentry. These powerful arcs consumed their electrodes in minutes. What's new about Barton's approach is that the electrodes can withstand a sustained plasma; his device treats a continuous stream of wastes.

Plasma devices can detoxify chemicals six million times faster than burning. Moreover, their destructive range appears almost limitless. Barton has fed his unit substances contaminated with PCBs at levels as high as 65 percent and found no traceable evidence of the chemical after treatment. He has also destroyed a wide spectrum of other toxic fluids including the ubiquitous carcinogen carbon tetrachloride.

At a plasma technology symposium in October 1982, representatives from 60 industrial companies concluded that plasma arcs can destroy solid, liquid, or gaseous wastes of any kind. Westinghouse is working on its own plasma technique to melt waste steel, and the U.S. Army is looking hard at plasma science to destroy obsolete nerve gases.

Barton has just contracted with the State of New York to help clean up Love Canal, where thousands of gallons of toxic leachate have been collected in storage tanks and are awaiting treatment. S

Bruce Piasecki is an assistant professor of liberal studies at Clarkson College of Technology in Potsdam, New York. He has edited Toxic Waste Controls, *a book to be published later this year by Greenwood Press.*



In Earth Day, 1980, tens of thousands of barrels of hazardous waste stockpiled on a three-acre site in Elizabeth, New Jersey, exploded. The fire, left, raged for over 10 hours, reaching temperatures of 1,000 degrees Fahrenheit and destroying both waste and warehouse, above.

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Bruce Piasecki is an assistant professor of liberal studies at Clarkson College of Technology in Potsdam, New York. He has edited Toxic Waste Controls, *a book to be published later this year by Greenwood Press.*

AC14-2 010

(9)

Texas Department of Health

88 OCT 24 A10:29

Robert Bernstein, M.D., F.A.C.P.
Commissioner

1100 West 49th Street
Austin, Texas 78756-3199
(512) 458-7111

Radiation Control
(512) 835-7000

Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services

Hermas L. Miller
Deputy Commissioner
Management and Administration

October 14, 1988

DOCKET NUMBER PROPOSED RULE PR 20 (53 FR 32917)

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

Attention: Docketing and Service Branch

Dear Sir:

We appreciate the opportunity to review and provide input on the Nuclear Regulatory Commission's (NRC) proposed rule on the disposal of waste oil by incineration. Staff of the Bureau of Radiation Control have reviewed the document and offer the following comments for consideration:

1) In general, we agree with the concept of incineration of waste oil, as long as provisions are made for proper disposal of the ash and sludge. We are also in favor of other non-hazardous methods (with adequate technical rationales) for reduction of the volume of waste that is required to go to a low-level radioactive waste site.

2) The background information on the proposed rule indicated that releases to the environment from the incineration of waste oil would have an inconsequential radiological impact (less than one millirem per year). The basis for the impact statement was unclear. The NRC should develop an acceptable method for demonstrating that the dose to a member of the general public will not exceed the reference dose. Currently available dose assessment computer codes could be used for this purpose.

If you have any questions concerning these comments, please contact us.

Yours truly,

David K. Lacker

David K. Lacker, Chief
Bureau of Radiation Control

cc: Joel O. Lubenau
State Agreements Program

8811020195

AC14-2 011

DOCKETED USNRC

(10)

DOCKET NUMBER PROPOSED RULE PR 20 (53FR 32914)

'88 OCT 24 A10:48

October 20, 1988

COMMENTS OF OHIO CITIZENS FOR RESPONSIBLE ENERGY, INC. (OCRE*) ON PROPOSED RULE, DISPOSAL OF WASTE OIL BY INCINERATION, 53 FED. REG. 32914 (AUGUST 29, 1988)

DOCKETING & SERVICE BRANCH

The NRC in this proposed rule would amend 10 CFR 20.305 to allow onsite incineration of waste oils contaminated with slight amounts of radioactivity at nuclear power reactor sites. This proposed rule would eliminate the need to amend the operating licenses of nuclear power facilities to allow onsite incineration, as is now the case.

OCRE opposes this proposed rule. It would deprive members of the public of their right under Section 189a of the Atomic Energy Act to a hearing on an operating license amendment. Members of the public who may be affected by the onsite incineration of waste oils should have the right to participate in a hearing on the merits of the proposed action. The heightened scrutiny involved in a license amendment hearing, as well as that resulting from case-by-case staff evaluation, serves a useful purpose in assuring that the licensee complies with all applicable regulatory requirements and that the public health and safety will be protected.

OCRE also is concerned that amending the rule now, prior to a final determination of the "below regulatory concern" issue, may be a wasted effort and may not serve the best interests of the public. The draft regulatory analysis states that the proposed rule may be superceded by future actions on BRC policy. The analysis also identified deferment of action on the petition (PRM-20-15) until analysis of comments on the BRC advanced notice of proposed rulemaking is completed as an option. The analysis also noted that the EPA is considering standards or guidance on BRC levels or doses. It would be far better to await the development of a complete and comprehensive BRC policy by both EPA and NRC before allowing by generic rulemaking onsite waste oil incineration.

The proposed rule and draft regulatory analysis identify a number of deficiencies in the petition submitted by the utility group. At the completion of BRC policy development, the petitioners should be given the opportunity to supplement or resubmit their petition so as to supply the needed information and analyses, e.g., "the complete characterization of quantities and concentrations of contaminated waste oil" (draft regulatory analysis, p. 4). Absent such specifics, the case-by-case evaluation as is now required through the license amendment process should continue.

It is stated that the incineration would either be carried out in the licensee's auxiliary boiler or in a specially constructed onsite incinerator. It does not appear that consideration of use of the auxiliary boiler for this purpose has been sufficiently examined. It is likely that use of the

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2pp

auxiliary boiler for incineration of contaminated waste oil incineration would result in contamination of a part of the plant not otherwise subject to contamination. The effects of this operation on the ultimate decommissioning of the facility, and on the volume of low level waste resulting from decommissioning, does not appear to have been examined. Nor is there an analysis of occupational radiation exposure from incineration in the auxiliary boiler, or of the costs of establishing the auxiliary boiler and surrounding plant areas as a radiation zone. These factors need to be examined before incineration can be said to have a net benefit.

A more comprehensive consideration of overall environmental factors and goals may also work to preclude incineration as the best option. OCRE believes that recycling (i.e., reprocessing) the waste oil may be the best treatment method. This would conserve our limited, nonrenewable petroleum resources and would eliminate the release of combustion products to the atmosphere, including those which might exacerbate the greenhouse effect. The development of small-scale, onsite recycling processes may be the best way to treat the oil. Until such capability is developed, storing the oil onsite, with appropriate fire protection and leakage prevention and control measures, should be encouraged. OCRE believes that this is the environmentally preferred option. Since the NRC admits that the proposed rule may result in greater amounts of waste oil being incinerated than would otherwise be the case (53 FR 32918) the proposed rule would discourage storage for eventual recycling. This would be contrary to the Congressional goal declared in the National Environmental Policy Act: to "enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources." 42 USC 4331(b)(6).

Respectfully submitted,

Susan L. Hiatt

Susan L. Hiatt
OCRE Representative
8275 Munson Road
Mentor, OH 44060
(216) 255-3158

AC14-2 012

Commonwealth Edison
One First National Plaza, Chicago, Illinois
Address Reply to: Post Office Box 767
Chicago, Illinois 60690

(11)

October 20, 1988

'88 OCT 24 A11:25

Mr. Samuel J. Chilk, Secretary
U.S. Nuclear Regulatory Commission
Washington DC 20555

DOCKET NUMBER PROPOSED RULE PR 20 (53FR 32914)

Attn: Docketing and Service Branch

Dear Mr. Chilk:

Subject: Proposed Rule to Permit the Disposal of Waste Oil by Incineration (53 Fed. Reg. 32914, August 29, 1988)

This presents Commonwealth Edison Company's (Edison) comments on the Nuclear Regulatory Commission's (NRC) proposal to permit licenses to incinerate waste oils slightly contaminated with radioactive materials. Edison supports the proposed rule as far as it goes but suggests that it be modified to apply its principles to multi-unit licensees.

Edison agrees that, in general, waste oils contain such low levels of radioactive materials that the incineration of such oils would not have any significant effect on the public health and safety. Under these conditions, no useful purpose appears to be served by requiring individual, site-specific analyses of incineration under 10CFR 50.59. At most, one generic 50.59 analysis should suffice.

Also, it is not clear that Appendix I to Part 50 should apply, at least not to each individual incineration episode. Appendix I applies to continuous releases of radionuclides during normal operation. In general, waste oil burning will be episodic and not continuous. Under those conditions, even if Appendix I does provide suitable effluent limits, those limits should not have to be satisfied for each burn but, rather, for the yearly average effluents just as if the incineration had been levelized over the year. Such averaging would treat incineration releases like the usual, continuous plant releases to which Appendix I applies.

Other disposal methods suggested by petitioners Edison Electric Institute and the Utility Nuclear Waste Management Group (EEI/UNWME) were rejected by the NRC for lack of adequate analysis of the hazardous non-radioactive materials in the oil. This rejection was improper because it is based on too broad a reading of the NRC's jurisdiction. The NRC's jurisdiction is limited to public health, safety and the environment as affected by the radioactive properties of materials regulated by the NRC under the Atomic Energy Act. Once the NRC finds that any disposal method does not present an undue radiation risk to the public health and safety the NRC can approve that disposal method subject to the approval of such disposal by other agencies responsible for regulating the hazardous materials in the contaminated oils. Therefore, the NRC should reconsider the other disposal methods proposed by EEI/UNWMG and approve any of them which do not present an undue radiologic risk.

8811020122

There is also no reason why off-site incineration cannot be approved in a manner which addresses the NRC's concerns. To the extent that ash residues may contain significant quantities of radioactive materials or toxic metals, the NRC should condition the approval of incineration on the disposal of those ashes at a suitable facility.

Finally, the proposed rule unnecessarily restricts the incineration of oil to an incinerator on the site where it was generated. This restriction places an unnecessary burden on a multi-site utility. As long as incineration at a site does not exceed Appendix I limits, it makes no difference what plant or plants the oil come from. ALARA would still be satisfied. Indeed, as long as Appendix I is satisfied, the oil need not even come from another facility owned by the same licensee. Therefore, proposed 10CFR20.305(b)(1) should be amended to substitute for the phrase "on the site where generated" the phrase "any reactor site."

Thank you for giving us this opportunity to comment on this issue.

Sincerely yours

Henry E. Bliss

Henry E. Bliss
Nuclear Licensing Manager

rf

5249K

AC14-2 013

(12)

GSU

GULF STATES UTILITIES COMPANY

POST OFFICE BOX 2951 • BEAUMONT, TEXAS 77704
AREA CODE 409 838-6631

88 NOV -24 A10:49

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

October 21, 1988
RBG - 29073
File Code G9.23

DOCKET NUMBER
PROPOSED RULE PR 20
(53FR32914)

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D.C. 20444

Attention: Docketing and Service Branch

Gentlemen:

Gulf States Utilities Company (GSU) is pleased to comment on the Commission's proposed rule (53FR32914, dated August 29, 1988) "Disposal of Waste Oil by Incineration." GSU supports this proposed rule with the following comments:

1. The third paragraph of the proposed rule, states in part: "This would be done in practice through a limited modification of the offsite dose calculation manual (ODCM) and the semi-annual effluent reports." The word "limited" should be deleted. The effort required to make any change to the ODCM is often extensive.

2. - The changes to Part 20, paragraph 20.305 treatment or disposal by incineration and specifically subparagraph 20.305(b)(1) provide for onsite waste oil incineration but no provisions have been made to transfer contaminated oil to an offsite facility for incineration. Subparagraph 10CFR20.305(b)(1) should be revised to include provisions for onsite incineration and/or transfer of contaminated oil to an offsite licensed vendor for incineration and subsequent burial of any residue.

GSU appreciates the opportunity to comment on the proposed rule.

Sincerely,

J. E. Booker

J. E. Booker
Manager-River Bend Oversight
River Bend Nuclear Group

JEB/LAE/DHW/KNC/do

8811030502

RD 4 Doylestown Pa 18901
10/20/88

AC14-2 014

DOCKET NUMBER PROPOSED RULE PR 20
53FR32914

'88 OCT 24 A10:47

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

(13)

Dear Secretary.

I Totally oppose the proposal put forth by the NRC to permit on-site incineration of radioactive waste oil. In S.E. Pennsylvania we are already exposed to routine emissions of radiation from Limerick. We don't want these emissions, let alone any additions from burning the waste oil.

We want the world to be safe for the next generation.

Thank you

Mary Beyer

8811020145

AC14-2 015

(14)

GE Stockholders' Alliance Against Nuclear Power

P.O.Box 966 * Columbia, MD 21044 * (301) 381-2714

DOCKETED USNRC

'88 OCT 25 P4:31

OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH

Chairman
Patricia T. Birnie

Board of Advisors
(In Formation)

Larry Bogart
Citizens Energy Council

Leo Goodman
(1910-1982)
Split Atom
Study Group

Judith Johnsrud, Ph.D.
Vice President
Solar Lobby

Charles Komanoff
Komanoff Energy
Associates

Claude Lenehan, OFM
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Advisor

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President, Nuclear
Control Institute

Grigsby Morgan-Hubbard
Writer and
Energy Consultant

John R. Newell
Bath Iron Works
President (Ret.)

Miles H. Robinson, M.D.
Citizens for
Health Information

Nathan H. Sauberman
Professional Engineer
(Ret.)

John Somerville, Ph.D.
President, Union of American
and Japanese Professionals
Against Nuclear Omnicide

Irving Stillman, M.D.
Physicians for Social
Responsibility

Faith Young
Energy People, Inc.

Affiliations for Identification
Purposes, only.

October 21, 1988

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

DOCKET NUMBER PROPOSED RULE PR 20
(53FR3291)

Comment on 53 FR 167:32911

Dear Sir:

We OPPOSE the proposed NRC approval of allowing on-s' incineration of radioactive waste oil from nuclear pc plants.

We believe that there are safer ways to dispose of radioactive waste oil, and that incineration would be an added health risk for the public. The supposed cost adva tage should not be a consideration of the NRC in making this determination.

Public health and safety are already being poorly served by the nuclear industry. Please do not further weaken the rules.

Sincerely,

Patricia T. Birnie

Patricia T. Birnie

8811030496 P.

AC14-2 016

(15)

MARYLAND NUCLEAR SAFETY COALITION
safe energy alternatives

DOCKETED USNRC

'88 OCT 25 P4:26

OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH

October 20, 1988

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

DOCKET NUMBER PROPOSED RULE PR 20 (53 FR 32914)

Re: 53 FR 167: 32914

Dear Sir:

We strongly oppose the NRC approval of a proposal to allow on-site incineration of radioactive waste oil from nuclear power plants. (53 FR 167:32914).

We believe radiation released during normal operation of nuclear power plants exceeds the public interest, and causes harmful health effects to human and animal/vegetable life. We believe that incineration would increase radioactive particle releases and possibly other hazardous effluents.

Much publicity is presently being given to the Department of Energy's callous disregard for public health in regard to operations at Hanford, Savannah River and Fernald locations. There are also official investigations under way concerning the health effects of releases from nuclear power plants. The NRC should not court further public criticism by compromising its regulations on health and safety for the small economic benefit which might be gained by the requesting utility.

Sincerely,

Patricia T. Birnie

Patricia Birnie
Co-Director

8811030482

P.O. BOX 902/COLUMBIA, MD/21044
(301) 381-2714/433-4674

AC14-2 017

(16)

Nuclear

'88 OCT 28 P2:59

GPU Nuclear Corporation
One Upper Pond Road
Parsippany, New Jersey 07054
201-316-7000
TELEX 136-482
Writer's Direct Dial Number:

October 27, 1988
C300-88-0473

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

DOCKET NUMBER PROPOSED RULE 20 (53 FR 32914)

ATTENTION: Docketing and Service Branch

Dear Sir or Madam:

Subject: GPU Nuclear Corporation (GPUN) comments
Proposed Rule for Disposal of Waste Oil by
Incineration (53 FR 32914)

GPUN has reviewed the Nuclear Regulatory Commission's proposed regulation as published in the above noted Federal Register dated August 29, 1988. We offer the following comments which address several issues identified in that rulemaking.

We support the additional flexibility provided by the proposed rule which would permit the onsite incineration of contaminated waste oils generated at nuclear power plants. However, 10 CFR 20.305(c) represents an area of concern which may restrict the usefulness of the proposed rule. Several states (such as New Jersey), under their individual Resource Conservation and Recovery Act (RCRA) programs, classify waste oil as a hazardous waste. Incineration of this oil may require application for a Treatment, Storage or Disposal facility permit in addition to rigorous administrative, testing and air modeling requirements in order to amend existing air pollution permits. Radioactively contaminated hazardous waste, better known as mixed waste, is expected to be regulated by New Jersey in the latter part of 1989. The mixed waste program requirements are anticipated to mirror the existing RCRA requirements, which for incineration may include trial burns for a determination of contaminant and product of combustion destruction efficiency, ash analysis and disposal requirements, etc.

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Related to mixed waste/RCRA/ air pollution control issues and the different state program requirements is whether the Commission might consider modifying its proposed rule to clarify that incineration may occur at the site where generated, at a common utility-operated site for utilities with multiple reactor sites or at a vendor facility with a radioactive materials license. Of course, this suggestion introduces concerns regarding transport of the waste oil to states with less stringent (than New Jersey) programs and related Department of Transportation shipping requirements.

We appreciate this opportunity to comment on the proposed regulations and hope that these comments assist the Commission when drafting the final regulations.

Sincerely,

J. L. Sullivan, Jr.
Licensing & Regulatory Affairs,
Director

JLS/LK/lml

cc: CARIRS - TMI & OC

7582f/

AC14-2 018

JOHN J. KEARNEY, Senior Vice Presiden

DOCKETED USNRC

(17)

EDISON ELECTRIC INSTITUTE

The association of electric companies

'88 OCT 28 A8:47

1111 19th Street, N.W.
Washington, D.C. 20036-3691
Tel. (202) 778-6400

October 28, 1988

Samuel J. Chilk, Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

20
(53FR32914)

Attention: Docketing and Service Branch

Re: Proposed Rule: Disposal of Waste Oil by Incineration (53 Fed. Reg. 32914)

Dear Mr. Chilk:

These comments are submitted by the Edison Electric Institute (EEI) and the Utility Nuclear Waste Management Group (UNWMG) in response to the above-referenced notice. As the NRC is aware, EEI/UNWMG petitioned the Commission on July 31, 1984, for a regulation defining a level of radioactive material in waste oils that would permit disposal of such oils without regard to their radioactive content (RPM-20-15). That petition was submitted in response to views expressed in the Commission's Supplementary Information Statement accompanying publication of 10 CFR Part 61 "Licensing Requirements for Land Disposal of Radioactive Waste" (47 Fed. Reg. 57446).

The Commission has now responded to the EEI/UNWMG petition by publishing the subject rulemaking notice. If adopted, the proposed rule would constitute a partial grant of the EEI/UNWMG petition.

It is unfortunate that, after more than four years, the NRC has now acted so as to grant only a limited amount of the authority requested in the petition. In particular, the reasons given by the NRC for not granting the petition, in toto, tend to be vague and unspecific. For example, at one point the rulemaking notice simply states that:

> An offsite...recycling center might handle waste oil for multiple reactors. This fact has not been adequately incorporated in the petitioners' dose analysis.(53 Fed. Reg. 32914, 32915.)

8811070385 3pp.

In fact, during consideration of the original 1984 petition, EEI/UNWMG addressed this issue in responding to a point raised by a commentor. This response, however, is essentially ignored in the NRC notice.

The foregoing notwithstanding, EEI/UNWMG are of the view that the proposed rule is a step in the right direction, and we support its adoption. The following comments are offered to assist in maximizing the usefulness of the regulation.

First, proposed section 20.305(b)(1) serves to define waste oils as "water immiscible organic hydrocarbons used principally as lubricants or hydraulic fluids...that have been contaminated in the course of operation of a nuclear power reactor...." There is no reason, however, to exclude synthetic, cutting, penetrating, insulating, and other classes of oil from the category of material which may be incinerated, provided that the other conditions imposed by the rule (e.g., compliance with Appendix I to Part 50), are met. Accordingly, to eliminate the possibility for confusion, section 20.305(b)(1) should be revised in the final rule to specifically include within the definition of "waste oil"

> Organic or synthetic hydrocarbons used principally for their lubricating, cooling, or insulating properties or as hydraulic fluids...that have become contaminated in the course of the operation or maintenance of a nuclear power reactor....

Second, as proposed, section 20.305(b)(1) provides for incineration of waste oil "on the site where generated." Similarly, section 20.305(b)(3) refers to authorization of "onsite waste oil incineration." The term "site," however, is not defined. For purposes of clarity, the term "site" should be specifically defined in the regulation as that region within the "site boundary;" where "site boundary" is defined as "that line beyond which the land is neither owned or leased nor otherwise controlled by the licensee." (See e.g. Standard Radiological Effluent Technical Specifications for Boiling Water Reactors, section 1.14 (NUREG-0133, September, 1982).)

Third, while it is clear from the discussion accompanying the proposed rule as a whole, specific references are only to incineration "carried out either in the licensee's existing auxiliary boiler or incinerator, if available, or in an onsite facility specifically constructed for this purpose." (See 53 Fed. Reg. 32914, 32916 (emphasis added).) To avoid any confusion, the statement of considerations accompanying the promulgation of the final rule should specifically note that

boilers on the site other than "auxiliary boilers" (e.g. central station power plant boilers) and mobile incinerators may be utilized.

Fourth, section 20.305(b)(1) provides in part,

> The licensee shall report any changes or additions to the information supplied under section 50.34 and 50.34a of this chapter associated with this incineration pursuant to section 50.71 of this chapter, as appropriate. The licensee shall also follow the procedures of section 50.59 of this chapter with respect to such changes to the facility or procedures.

Similar to the situation discussed in the preceding comment, it is clear from the entire discussion accompanying the proposed rule, and the proposed rule itself, that the regulation is not intended to impose requirements for cost benefit analysis for incineration equipment, pursuant to section 50.34a. It is equally clear that the rule does not intend that licensees perform analyses under section 50.59 to determine if the burning of waste oil, in and of itself, constitutes an unreviewed safety question. It would be helpful, however, if the statement of considerations accompanying promulgation of the final rule clarified these points. In particular, with respect to section 50.59, the statement should specify that analysis directed at determining whether or not an unreviewed safety question exists need only address whether or not site specific equipment and procedural alterations present an unreviewed safety question, and that it need not address the burning of the waste oil itself.

Subject to the above comments, EEI/UNWMG encourage the prompt adoption and promulgation of the proposed rule. If you have any questions or if we may be of further assistance, please do not hesitate to call.

Sincerely,

John J. Kearney

John J. Kearney
Senior Vice President

JJK/bfm

AC14-2 019

Duke Power Company
P.O. Box 33198
Charlotte, N.C. 28242

DUKE POWER

'88 OCT 28 P2:53

(18)

October 25, 1988

The Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555
ATTENTION: Docketing and Service Branch

PROPOSED RULE PR 20
(53FR32914)

Subject: Disposal of Waste Oil by incineration
Proposed Rule
Duke Power Comments

Dear Sir:

In the Federal Register (53FR32914) dated August 29, 1988, the Nuclear Regulatory Commission published for comment a proposed rule to amend its regulations to permit the onsite incineration of slightly contaminated waste oils generated at licensed nuclear power plant without the need to specifically amend existing Part 50 operating licenses.

Duke Power Company has reviewed the subject NRC proposed rule and, in general, supports the commission's proposal pertaining to the disposal of waste oil by incineration. However, the following points need to be clarified:

1. The proposed rule permits the onsite incineration of waste oil generated at that site. The term "site" is not defined. For purposes of clarity, the term "site" should be specifically defined in the regulation.

   Duke Power proposes that the new rule permit the incineration to be within the site boundary. This will provide consistency in the use of the term "onsite disposal". The site boundary is the fenced area of the station. Using the site boundary to encompass the allowed disposal area will give a more consistent definition of what is considered onsite and what is considered offsite.

2. The proposed rule only addresses the incineration "carried out either in the licensee's existing auxiliary boiler or incinerator, if available, or in an onsite facility specifically constructed for this purpose".

   Duke Power proposes that the final rule should permit the use of mobile incinerators.

3. The final rule should specify that the 50.59 analysis is to determine whether or not an unreviewed safety question exists in respect to site-specific equipment and procedural changes, not the burning of the waste oil itself.

8811090187 3pp.

Very truly yours,

Hal B. Tucker

Hal B. Tucker

DM/349/88

bxc: N.A. Rutherford
J.S. Warren
R.T. Simril
C.F. Lan
GS-811.03

AC14-2 020

NUMARC

NUCLEAR MANAGEMENT AND RESOURCES COUNCIL

1776 Eye Street, N.W. • Suite 300 • Washington, DC 20006-2496
(202) 872-1280

Joe F. Colvin
Executive Vice President &
Chief Operating Officer

OCT 28 1988
DOCKETING & SERVICE BRANCH

October 28, 1988

Mr. Samuel J. Chilk
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

DOCKET NUMBER PR 20
PROPOSED RULE (53 FR 32914)

ATTENTION: Docketing and Service Branch

SUBJECT: NRC Proposed Rulemaking, "Disposal of Waste Oil by Incineration" 53 FR 32914; (August 29, 1988)

Dear Mr. Chilk:

These comments are submitted on behalf of the Nuclear Management and Resources Council, Inc. (NUMARC) in response to the above-captioned proposed rulemaking. NUMARC is the organization of the nuclear power industry that is responsible for coordinating the combined efforts of all utilities licensed by the NRC to construct or operate nuclear power plants, and of other nuclear industry organizations, in all matters involving generic regulatory policy issues, and on the regulatory aspects of generic operational and technical issues affecting the nuclear power industry. Every utility responsible for constructing or operating a commercial nuclear power plant in the United States is a member of NUMARC. In addition, NUMARC's members include major architect-engineering firms and all of the major nuclear steam supply system vendors.

NUMARC supports the proposed rule that would authorize the disposal of waste oil by incineration. We feel, however, that the following points of clarification should be incorporated in the final rule.

- The discussion of the proposed rule states that "the incineration could be carried out either in the licensee's existing auxiliary boiler or incinerator, if available, or in an onsite facility specifically constructed for this purpose." The final rule should be clarified to state that mobile incinerators may be used.

- The type of waste oil that can be incinerated under the proposed rule is not specifically defined. As presently stated, the oil is to be "water immiscible organic hydrocarbons used principally as lubricants and hydraulic fluids." The final rule should be clarified to specify that:

  - synthetic oils can be incinerated;

  - cutting, penetrating, and other classes of oils can be incinerated; and

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- industry does not have to segregate materials that are non-waste oils (solvents, degreasers, grease, diesel fuels, etc.) from the waste oil to be able to dispose of the waste oil in accordance with this rule.

o The proposed rule states that the waste oil must have been "contaminated in the course of operation of a nuclear power reactor." The proposed rule should be amended to state that oils used in "maintenance" at the plant can be incinerated.

o If a waste oil segregation program is required to separate organic oils from synthetics and maintenance cutting and penetrating oils from oils generated in operations, consideration should be given to a segregation program similar to the Environmental Protection Agency's for implementation of their hazardous waste burning rule.

In conclusion, we urge the Commission to adopt this rule in a timely manner incorporating the above modifications so that this disposal option is provided with necessary and appropriate regulatory stability and certainty. We appreciate the opportunity to comment on the proposed rulemaking.

Sincerely,

Joe F. Colvin

JFC:laf

AC14-2 021

DOCKET NUMBER PR 20
PROPOSED RULE (53FR32914)

(20)

24 October 1988
506 Fairmount Ave.
Towson, Maryland 21204

'88 OCT 31 A11:23

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

Dear Secretary,

The proposal (53 FR 167:32914) to incinerate radioactive waste oil is unacceptable using a public health criterion. Incineration is unacceptable for the following reasons:

1. It would transform radioactive waste from a relatively chemically inert liquid state to ~~a~~ more chemically reactive gaseous and dry particulate states of matter.

These gaseous and particulate products of incineration would be of greater, not lesser, danger to public health and safety.

2. Compared to the waste in its present form, the products of incineration would have a greater rather than lesser level of radioactivity per unit of mass.

This higher specific radioactivity would cause greater rather than lesser risk to public health and safety.

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more on page 2 -

3. The method requires mutiple handling steps. Each step in the active handling of the waste material is accompanied by escape of waste products into the environment. Worker exposure to hazardous material occurs at each step. There is an ~~unmeasurable~~ estimatable chance of mechanical failure and human error at each step in handling which increases the probability of unplanned waste material release into the surrounding community.

The job of the N.R.C. is to protect the health and safety of U.S. citizens. We expect you to opt for a passive storage or disposal method for the oil which is least dangerous to U.S. citizens' health.

Sincerely,
Elise Meyer-Bothling

AC14-2 022

WPSC (414) 433-1598
TELECOPIER (414) 433-1297

NRC-88-140 (21)

EASYLINK 62891993

WISCONSIN PUBLIC SERVICE CORPORATION

600 North Adams • P.O. Box 19002 • Green Bay, WI 54307-9002

'88 OCT 31 P12:22

DOCKET NUMBER PROPOSED RULE PR 20 (53FR32914)

October 27, 1988

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

Gentlemen:

Docket 50-305
Operating License DPR-43
Kewaunee Nuclear Power Plant
Comments on Proposed Rule for Disposal of Waste Oil by Incineration

References: 1) Federal Register Volume 53, No. 167, "Disposal of Waste Oil by Incineration", dated August 29, 1988.

Wisconsin Public Service Corporation (WPSC) has reviewed the proposed rule regarding the disposal of waste oil by incineration as published in the Federal Register on August 29, 1988 (reference 1) and is in general agreement with it. The proposed rule would allow onsite incineration of contaminated waste oils generated at nuclear power plants, subject to the following two conditions: (1) the requirements of Appendix I to 10 CFR Part 50 would not be violated; and (2) any solid residues resulting from incineration must be disposed of in accordance with other applicable NRC regulations. Those conditions would require a revision to the Updated Safety Analysis Report (USAR), a revision to the Offsite Dose Calculation Manual (ODCM), and inclusion of the quantities of radioactive effluents released as a result of incineration in the Semi-Annual Effluent Release Report for the Kewaunee Nuclear Power Plant (KNPP). However, these additional requirements are absolved by the resulting economic and environmental benefits.

At present, the only generically approved disposal method for slightly contaminated waste oil is solidification or immobilization, packaging, and transport to a licensed disposal facility for burial. The proposed rule would provide several benefits, including: reservation of the limited capacity in licensed disposal sites for wastes with higher levels of activity; reduction of

8811080328 2pp

costs currently associated with disposal of waste oils at licensed disposal facilities; and reduction of the present administrative efforts necessary to acquire a license amendment to incinerate waste oils onsite. Therefore, due to these economic and environmental benefits, WPSC is in favor of the proposed rule.

Sincerely,

C. R. Steinhardt
Manager - Nuclear Power

LAS/jms

cc - Mr. Robert Nelson, US NRC
US NRC, Region III

AC14-2 023

(22)

DOCKETED USNRC

'88 OCT 31 P12:16

OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH

Nuclear Information and Resource Service

1424 16th Street, N.W., Suite 601, Washington, D.C. 20036 (202) 328-0002

Nuclear Information and Resource Service
Comments on NRC Proposed Rule
10CFR20
Disposal of Waste Oil by Incineration
53 Federal Register 167:32914
October 28, 1988

Nuclear Information and Resource Service opposes at-reactor incineration of waste oil. It is beneficial to surrounding communities, and those down wind and downstream that some operating reactors are not releasing as much radioactivity as their technical specifications allow. That accomplishment on behalf of the reactor operators should not be rewarded with permission to increase the offsite emmissions by allowing waste oil to be burned onsite.

Citizens living around reactor sites should not be exposed to more radiation than is already being released. Any exposure to radiation increases the risks to the exposed population. Since the application for at-reactor incineration did not give specific information on doses to the public and levels of release to the environment, how does the NRC know that levels will be low enough to be under the technical specifications for all nuclear plants? Further, as reactors age, the amount of radiation routinely released could increase.

There are unanswered questions about the synergistic effects of chemical and radioactive exposures. Despite EPA's decision to deregulate the oil from hazardous waste regulation, there are chemicals present in the oil. If NRC is claiming that incineration of the oil will destroy some of those chemicals, specific temperatures must be maintained throughout the incineration. Some chemicals may not be destroyed but volatilized and liberated to the environment via incineration. The health effects of volatilized mixed hazardous and radioactive waste gases have not been adequately studied, estimated, and assessed.

The ash that will result from incineration of waste oils will likely be hazardous waste. If the ash that results currently (in the absence of waste oil) in the boilers, is not hazardous or radioactive, this adds a new dimension to the waste problem at reactors, namely disposal of hazardous/radioactive incinerator ash.

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dedicated to a sound non-nuclear energy policy

NIRS opposes the current trend toward deregulation of waste and increasing allowable exposures to radiation. By segmenting the "low-level" waste stream into many different parts, and looking piecemeal at each segment alone, the Commission is attempting to justify deregulation and dispersal of nuclear waste and radioactivity throughout the environment.

This proposal and the ensuing BRC application should be rejected.

Thank you for the opportunity to comment on this proposal and for your serious consideration of our position.

Diane D'Arrigo
Regulatory Oversight Coordinator

AC14-2 024

DOCKETED USNRC

(23)

(53 FR 32914)

Portland General Electric Company

David W. Cockfield Vice President, Nuclear

'88 NOV -4 A10:00

October 31, 1988

Trojan Nuclear Plant
Docket 50-344
License NPF-1

Secretary
U.S. Nuclear Regulatory Commission
ATTN: Docketing and Service Branch
Washington DC 20555

Dear Sir:

Comments on Proposed Rulemaking,
"Disposal of Waste Oil by Incineration",
Federal Register Volume 53, No. 167, Page 32,914; August 29, 1988

As the licensed operator of the Trojan Nuclear Power Plant, we have experience with the contaminated oil disposal issue. At Trojan, the contaminated oil is almost exclusively from the reactor coolant pumps, a prevalent source throughout the industry. Even though our contaminated oil inventory has been historically low, we are concerned with the potential for the oil to be declared a "mixed waste" and thus limit its disposal via solidification and burial at the Hanford low-level waste disposal site. This has motivated us to evaluate other disposal options. Our conclusion is that onsite incineration is the most logical disposal method when considering radiation protection, operational, engineering, and economic factors. Thus, we are in strong agreement with the proposed rulemaking.

To further support the tenets of the rulemaking, we note that:

- A preliminary review by onsite engineering at Trojan indicates that modification of the start-up boiler for burning the oil is feasible and can be accomplished at reasonable cost.

- The environmental impact is barely perceptible as analysis shows that the offsite dose is decades below the Trojan cumulative dose Technical Specification limit which is based on Title 10, Code of Federal Regulations, Part 50 (10 CFR 50), Appendix I.

Our own industry survey provides convincing evidence that onsite incineration is a preferred and practical disposal option for plants that have

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121 S.W. Salmon Street, Portland, Oregon 97204

both small and large contaminated oil inventories. If desired, we would be pleased to provide the Commission with the details of our evaluative studies in support of the proposed rulemaking.

In conclusion, the proposed rulemaking is both logical and practicable. We urge the Commission to finalize the rulemaking in its present form and in doing so help ensure that the limited capacity of low-level waste disposal sites be used efficiently.

Sincerely,

c: Mr. John B. Martin
Regional Administrator, Region V
U.S. Nuclear Regulatory Commission

Mr. R. C. Barr
NRC Resident Inspector
Trojan Nuclear Plant

United States
Environmental Protection
Agency

External Affairs (A-100AE)
Washington DC 20460

(53FR 32914) (24)

EPA

Federal Activities

AC14-2 025

'88 NOV -4 A9:57

OCT 31 1988

Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Attn: Docketing and Service Branch

Dear Mr. Chilk:

In accordance with Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency has reviewed the U.S. Nuclear Regulatory Commission's proposed rule for the Disposal of Waste Oil by Incineration (53 FR 32914). We recommend that NRC clarify two matters that relate to EPA's programs.

First, the incineration of waste oil may require a permit under the Resource Conservation and Recovery Act (RCRA). If the oil exhibits a hazardous characteristic and is treated by incineration, 40 CFR 264 applies. If the waste oil is burned for energy recovery, 40 CFR 266 applies. Some states have listed waste oil as a hazardous waste, and, in those states, a RCRA permit to incinerate waste oil must be obtained by NRC's licensees. Further, the ash after incineration needs to be monitored for heavy metals, such as cadmium and arsenic, to determine whether the ash is also subject to regulation under RCRA because of a hazardous waste characteristic.

Second, NRC's licensees must obtain approval for the release of airborne radionuclides in compliance with the Clean Air Act. These regulations are found at 40 CFR 61. The NRC notice and proposed rule should be modified to reflect the need for an EPA approval to construct or modify the facility for the air emissions of radionuclides.

Both of these potential permit issues should be discussed in NRC's Final Notice and Rule. If we may be of further assistance to the Commission staff, please contact Dr. W. Alexander Williams (382-5909) of my staff.

Sincerely,

for Richard E. Sanderson
Director
Office of Federal Activities

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AC 14-2 026

DOCKET NUMBER PR 20
PROPOSED RULE 53FR32914

(25)

PUBLIC CITIZEN

Buyers Up □ Congress Watch □ Critical Mass □ Health Research Group □ Litigation Group

'88 NOV 21 P4:45

November 18, 1988

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

Attn: Docketing and Service Branch

Dear Sir/Madam:

I am writing on behalf of the Critical Mass Energy Project of Public Citizen in order to comment on the proposed NRC regulation (53 FR 167:32914-32919) to allow on-site incineration of slightly contaminated waste oils generated at licensed nuclear power plants.

Public Citizen is a non-profit research and advocacy organization founded by Ralph Nader in 1971 to address a wide range of consumer and environmental issues. Critical Mass is the energy policy arm of Public Citizen.

We are opposed to the proposed regulation, and believe that utilities should not be granted free license to incinerate radioactive waste oil. We are especially concerned because of the context in which this is apparently being considered. According to the Federal Register notice cited above, "The Commission is currently considering this issue in the context of a potential policy statement that would identify a level of radiation risk below which government regulation becomes unwarranted" (p. 32916), and elsewhere (p. 32918) "the waste oil is a potential candidate for being declared a 'below regulatory concern' (BRC) waste."

We object on procedural grounds to the proposed regulation. The issue of whether to declare a BRC policy has not yet been resolved. The proposed regulation would constitute, however, a de facto declaration of radioactive waste oil as a BRC waste -- before BRC has even been adopted as a policy. It is unacceptable, in our opinion, to begin surreptitiously implementing a policy piecemeal before it has been debated and adopted as a policy per se. We therefore urge on these procedural grounds that, at a minimum, the BRC issue be addressed and resolved in full as a matter of policy before the incineration of waste oil is considered.

Further, because we object on substantive grounds to the general concept of wastes being declared "below regulatory concern," we object to the proposed regulation on substantive grounds as well. As we have reminded the Commission in the past,

215 Pennsylvania Ave. SE □ Washington, DC 20003 □ (202) 546-4996

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there is a large body of scientific evidence and much agreement among scientists that there is no level of radiation exposure which can be considered safe. In light of such evidence, we believe the Commission would be abrogating its responsibility to protect public health and safety if it were to completely exempt any class of radioactive waste from regulatory control.

Even if the scientific evidence did point to a level of radiation exposure below which there was no health risk (which it does not), it still would not follow that establishing a category of radioactive waste "below regulatory concern" (BRC) would be an acceptable regulatory policy. Since with such a policy there would be no accounting of where and in what quantity BRC wastes were disposed of, they could literally end up anywhere, and the Commission would lose the ability to control the level of cumulative exposure experienced by the public -- which, in public health terms, is what matters. Thus, even if there were a "safe" level of exposure to radiation, a BRC policy would provide no way to guarantee that such a level would not be exceeded. Given the absence of any real scientific evidence of such a level in the first place, a BRC declaration for radioactive wastes cannot, in our opinion, be justified by an agency entrusted with protecting the public health.

The proposed regulation to allow the incineration of radioactive waste oils is justified by the NRC on the grounds that the increase of radioactive effluents (and therefore the risks to the environment and to public health) will be slight and the benefits to the utilities involved (in terms of disposal costs) and to the Commission (in terms of saved paperwork) will be great. Such reasoning is an example of the irresponsible idea that there exist levels of waste which can be considered "below regulatory concern."

On these substantive grounds, as well on the aforementioned procedural grounds, we urge that the Commission reject the proposed regulation.

Sincerely,

Scott Saleska

Scott Saleska
Nuclear Waste Policy Analyst
Critical Mass Energy Project
of Public Citizen

AC14-2 027

DOCKET NUMBER
PROPOSED RULE PR 20
(53 FR 32914)

(26)

DOCKETED
USNRC

'90 JUN 27 P2:23

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

SCIENTIFIC ECOLOGY GROUP, INC.

June 1, 1990

Ms. Catherine R. Mattsen
Nuclear Regulatory Commission
Office of Regulatory Research
Washington, D.C. 20555

Dear Ms. Mattsen:

This letter is in reference to the Nuclear Regulatory Commission (NRC) Proposed Rule published August 29, 1988 in the Federal Register, page 32814, concerning the petition by the Edison Electric Institute and Utility Nuclear Waste Management Group requesting allowance for the onsite incineration of low-level radiologically contaminated oil.

The Scientific Ecology Group, Inc. (SEG) is the largest processor of radioactive waste in the United States and would like to offer comments and an update on the available methods by which radiologically contaminated oils are currently being processed for disposal.

SEG receives and incinerates radioactive oils. SEG does not receive oils that are hazardous waste in accordance with 40CFR 261, however, the vast majority of the oils generated by Nuclear Power Plants are not hazardous waste. Radioactive oils have been thermally destructed by SEG since May 1988. In December 1989, SEG commenced incineration of oil in the nation's only radioactive materials incinerator commercially available. The process of incineration of the oils, by SEG, is authorized by the Environmental Protection Agency (EPA), State of Tennessee Division of Radiological Health and the Tennessee Division of Air Pollution Control. SEG has processed in excess of [illegible] gallons of radioactive oils and has sufficient capacity to provide this service to all of the Nuclear Power Plants.

Two other options, not utilized at SEG, are being used to process oils for either release or disposal. The first process involves the removal of isotopic constituents from the oil resulting in the lowering of the total activity to what the processor advertises as being releasable for unrestricted use. SEG does not use this technique because no regulatory basis exist to support this practice without specific regulatory agency approval. The second method of processing oil involves the "solidification" of the oil and the disposal at a licensed low-level radioactive waste disposal site of the resultant monolith. This method increases the volume of materials buried and does not remove the organic material from the environment. Additionally, the cost of this method from both a processing and disposal cost is in excess of the option to incinerate.

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P.O. Box 2530 1560 Bear Creek Rd. Oak Ridge, Tennessee 37831-2530 (615) 481-0222

The proposed rulemaking implies that the only options to on-site incineration are to maintain a status quo or wait for the EPA to establish release criteria. SEG's position is that the status quo has not been maintained and an approved economical disposal method is already in use and available.

If SEG can provide assistance to the NRC or the petitioners in this matter please contact either Bud Arrowsmith or me.

Sincerely,

W.M. Hipsher
Director
Regulatory and Technical Services

WH/ho
RTS-90-030R