



City of Santa Fe, New Mexico

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January 13, 1997

Mr. Paul H. Lohaus, Deputy Director

Office of State Programs

US Nuclear Regulatory Commission

Washington, DC 20555

RE: SOLUBILITY CRITERIA FOR LICENSED RADIOACTIVE MATERIALS

Dear Mr. Lohaus:

I just received a copy of the position paper in connection with 20 NMAC 3.1, Section 435.A.1, submitted to Mr. William Floyd (New Mexico Environment Department) two months ago by Dr. James W. Patterson on behalf of Interstate Nuclear Services (INS), and which was transmitted for your approval as a solubility demonstration, on November 12, 1996. In my capacity as the Public Utilities director for the City of Santa Fe, which receives the wastewater from the INS facility, I must inform you that Dr. Patterson's suggested criteria for solubility of radionuclides is grossly inadequate from our municipal perspective.

Pressure filtration has been used in the removal of solids for longer than three decades in the water treatment industry, including applications for the removal of colloidal and organic matter as well as color. Filtration systems are most commonly currently used in combination with state-of-the-art polymer technology to increase the effective reuse of industrial process wastewaters. In fact, the high priority given to resource conservation and reuse nation wide has resulted in the application of cost-effective new technologies such as micro filtration and other membrane application systems. These are being adopted by a wide variety of industries in many different ways which include industrial size clothes laundering and should be adopted in this context.

Dr. Patterson seems to imply that, because the system proposed by INS for their facility in Santa Fe includes pressure filters, it automatically constitutes state-of-the-art technology. Dr. Patterson designed the system in Santa Fe for partial removal of total suspended solids (TSS) to a concentration of 45 mg/l. Dr. Patterson has stated in the past that the proposed system's actual performance remains in question and may not achieve the 45 mg/l standard. The proposed system is based on the use of conventional pressure filtration, as opposed to micro filtration or other membrane-based filtration system. The city's position is that the latter systems are more widely recognized as best available technology and should be adopted as industry standards, particularly for the pretreatment of radionuclide bearing wastewater.

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Mr. Lohaus

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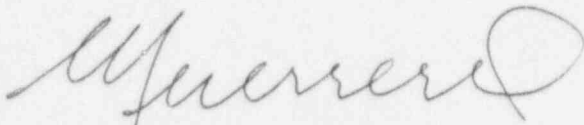
As a municipality, we are concerned about the negative economic impact that the city could potentially experience as a result of radioactive waste discharges into its sewer system. For your information, the city currently uses part of its treated wastewater effluent for irrigation of public recreational grounds, and it is preparing to increase that use to the highest level possible, converting the treated wastewater stream into one of our sources of potable water supply. In addition, our long term plans call for the beneficial use of wastewater biosolids as a soil conditioner on public grounds, in compliance with 40 CFR 503.

Both the actual presence of radioactive matter and the public perception that radioactive waste is contaminating one of these two valuable wastewater treatment by-products will have a dramatic effect upon the city's ability to market them on an unlimited basis. For this reason the city believes that adequate criteria for solubility in reference to 20 NMAC 3.1, Section 435 A.1, must ensure that only the very minimum achievable fraction of radioactive particles enter the wastewater stream.

Furthermore, to best accomplish our goals and protect our economic interests, a new bill will be considered to expand existing municipal regulations and introduce solubility criteria in Chapter 22 of the Santa Fe City Code (SFCC). Thus the city will be able to exercise its local government authority to regulate certain radioactive discharges into the public sanitary sewer system. The Nuclear Regulatory Commission (NRC) has in the past approved of such regulation as consistent with Atomic Energy Act (See attached letter of November 9, 1993 from NRC to City of Laramie, Wyoming)

I look forward to continuing communications with you. Please call me at 505/984-6893 if you have any questions or need additional information from us.

Sincerely,



Patricio Guerrerortiz, P.E.
Public Utilities Department Director

cc: William M. Floyd, Radiation Licensing and Registration, NMED
Mark Basham, City Attorney
Qustandi Kassisieh, Wastewater Management Division, PUD
PUD/File