



DOCKET NUMBER
PROPOSED RULE ~~FR 2720-50~~
(66 FR 46230)

A Edward Scherer
Manager of Nuclear
Oversight and Regulatory Affairs

8

November 20, 2001

DOCKETED
USNRC

November 26, 2001 (11:47AM)

The Secretary of Commission
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: **Comments on Proposed Rule, "Releasing Part of a Power Reactor Site or Facility for Unrestricted Use Before the NRC Approves the License Termination Plan" (66 FR 46230)**

Attention: Rulemakings and Adjudications Staff

Southern California Edison offers the following comments on the subject rulemaking. We fully concur with the comments tendered by the Nuclear Energy Institute on behalf of the industry regarding this rulemaking. In addition, we offer the following comments.

We note that in both cases (partial site release without a license termination plan, or license termination for the entire site under existing rules) residual radioactivity may remain as long as the exposure criterion of 10 CFR 20 Subpart E is satisfied. Prior to license termination, this same residual radioactivity is treated as licensed material – regardless of how little the amount, concentration, or dose significance – and can only be disposed of by transport to a licensed radwaste disposal facility. This double standard poses an incentive to retain radioactive material onsite to be later abandoned in order to avoid potentially excessive costs for radwaste disposal, while creating a longer term risk for additional site cleanup required by other regulatory authority or court of law.

We note that the US Nuclear Regulatory Commission (NRC) is seeking to resolve this discrepancy through study by the National Academy of Sciences and further agency deliberation, a process that may take several years. Prolonged delay contributes to the erosion in public understanding and confidence in government policy as well as the lack of finality mentioned above for licensees. Public policy is needed to define the quantitative dose and radionuclide characteristics that have no discernible public health consequences.

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As the situation now stands, the NRC should recognize that post-license termination requirements imposed by other federal, state or local agencies can prevent the actual release of a site for unrestricted use – in contravention to the purposes of the license termination rules. NRC should, therefore, act to assert its authority in matters of radiation protection and management of radioactive materials. This will require definitive clearance standards for materials that establish allowable quantities and concentrations of radionuclides that are less than regulatory concern. Such standards can be created which are fully protective of public health and safety and are in the public interest.

Sincerely,

A handwritten signature in black ink, appearing to be "D. G. ...", written in a cursive style.