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D. R. Woodlan, Chairman  
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P.O. Box 1002, Glen Rose, Texas 76043

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Secretary  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555  
ATTN: Rulemaking and Adjudications Staff

July 17, 2003 (2:22PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)  
COMMENTS ON SCOPE OF PROPOSED RULEMAKING ON  
CONTROLLING THE DISPOSITION OF SOLID MATERIALS  
(68 FR 9595)**

Gentlemen:

The Strategic Teaming and Resource Sharing (STARS)<sup>1</sup> nuclear power plants are endorsing comments submitted by the Nuclear Energy Institute (NEI) on the scope of proposed "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).

These comments are provided regarding the proposal to conduct rulemaking for safely controlling the disposition of licensed solid radioactive materials, as described in the subject Federal Register notice. These comments are specifically intended to indicate support by STARS for the comments that have been submitted to the NRC by NEI on the proposed rulemaking. The NEI comments include input from NEI member companies and have been reviewed by staff from licensees outside of nuclear power production. As such the NEI comments represent a broad consensus of licensees that believe in the potential benefits of the proposed rulemaking. The NEI comments list 5 salient points that we are in agreement with:

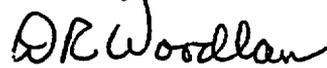
1. The current regulatory framework assures protection of health and safety, but enhancements to effectiveness and efficiency should be made. Rulemaking in this area is an opportunity to enhance efficiency, cost-effectiveness and improve consistency in implementation by moving to a dose or risk based model.
2. A dose-based standard should be established for Re-use and Disposal. It is important that this standard clearly define a level of radiation dose at which protection of public health and safety is assured without the need for continued regulatory oversight or action.

<sup>1</sup> STARS is an alliance of six plants (eleven nuclear units) operated by TXU Energy, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company.

- The standard should permit reuse or disposal on an unrestricted basis
  - We do not believe the standard should support the unrestricted direct recycle of materials
3. Recycling should be considered on a case-by-case basis. The rulemaking should require that proposals for recycling of licensed solid radioactive material require public notice and opportunity for stakeholder input to properly account for the specific technical details and assure that there is due consideration of the potential socio-economic aspects of specific recycling proposals.
  4. Implementation guidance should reflect industry standards and safe practices to control regulatory costs and reduce unnecessary burden.
    - Implementation guidance should endorse the American National Standards Institute/Health Physics Society (ANSI/HPS) Standard N13.12, "Surface and Volumetric Radioactivity Standards for Clearance" This consensus standard is consistent with other NRC guidance, but also provides a means of developing consistent criteria for release of solid material.
    - Existing conditions in materials licensees and specific NRC approved alternative methods of disposal should not be displaced by the rulemaking.
  5. NRC should consult with the Environmental Protection Agency and appropriate State agencies to coordinate development of a suitable regulatory framework for the safe disposal of licensed solid radioactive material at solid waste facilities permitted under the Resource Conservation and Recovery Act (RCRA). The site characteristics and engineered features that are required to be in place at these facilities will assure protection of the public health and safety. We recognize that this will require significant coordination and cooperation between a variety of state and federal agencies.

In conclusion, STARS fully supports the proposed rule making in this area and agrees with the comments from NEI. The STARS plants appreciate the opportunity to comment on the rulemaking. If there are any questions regarding this endorsement of NEI comments, please contact me at 254-897-6887 or email me at [dwoodla1@txu.com](mailto:dwoodla1@txu.com).

Sincerely,



D. R. Woodlan, Chairman  
Integrated Regulatory Affairs Group  
STARS