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Comments by the Fuel Cycle Facility Forum (FCFF) Concerning Proposed NRC Rulemaking
for Controlling the Disposition of Solid Materials

The FCFF agrees with the National Academy of Sciences (NAS) position in that the current approach for controlling the disposition of solid materials is protective of public health and safety. The FCFF encourages the NRC to improve its communications to the public on this fact.

The FCFF supports establishment of risk-informed, performance-based standards, and as such, supports development of uniform, dose-based, standard criteria for the disposition of solid materials.

The FCFF endorses the consensus standard, ANSI Standard N13.12, and believes that it should be adopted by the NRC for application in this proposed rulemaking. The National Technology Transfer and Advancement Act of 1995 requires that Federal Agencies use voluntary industry standards developed by the private sector whenever possible. The criteria stated in this ANSI Standard N13.12 are dose-based and are consistent with those used by members of the European Community (EC). The rulemaking should support the international commerce of scrap metal and other solid materials. The screening levels established in ANSI N13.12 provide sufficient flexibility such that the fuel cycle industry can use existing instrumentation and measurement techniques for performing surveys without significant additional regulatory burdens.

The FCFF encourages the NRC to evaluate and consider processes and criteria used by the EC to successfully develop and implement criteria to control the disposition of solid materials. The FCFF encourages the NRC to consider similar approaches in promulgating its rule for controlling the disposition of solid materials.

The FCFF does not support overly prescriptive survey methodologies, such as those contained in NUREG-1761. Survey methodologies contained in this regulatory guidance are inconsistent with the NRC standing policy of establishing a risk-informed, performance-based rulemaking process. For decades, FCFF licensees have proven their expertise in measuring radionuclides as mandated in existing regulations. Implementation of NUREG-1761 would significantly increase every licensee's operating costs, with no benefit to the health and safety of the public. As such, the FCFF strongly encourages the NRC to consider available survey technology within the scope of its Environmental Impact Statement.

For the reasons stated above, the FCFF supports the development of standard criteria for the unrestricted release of solid materials. In addition, the FCFF supports the development of criteria for the disposal of solid materials that are not releasable for unrestricted use in regulated landfills other than those regulated by NRC.