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ACNP

October 27, 1981

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Docketing and Service Branch

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Dear Sir:

DOCKET NUMBER
PROPOSED RULE **PR-2etal**
(46 FR 38081)

The American College of Nuclear Physicians is pleased to comment on proposed Rules for Licensing Requirements for Land Disposal of Radioactive Waste; Federal Register 46, #142, of 24 July 1981, pp 38081 - 38105.

The document is an important step in the process to achieve much needed facilities for disposal of radioactive waste. We appreciate the work involved and applaud the efforts of all who contributed. Our comments are primarily general, although specific comments on a few sections are included.

It is disappointing that "de minimus" levels are not yet included in our progress toward a rational approach to the handling of radioactive waste. Recognition of a de minimus philosophy is at least implied, which is a welcomed step. Clear delineation of de minimus standards is badly needed - this would be an appropriate document to make this advance and it is recommended that they be included in the final rule.

Low level radioactive waste frequently includes, as an integral part of the radioactivity, materials which must be handled as hazardous waste without respect to its radioactivity. The document, specifically section 61.5(a)(7) of the proposed rule, makes no provision for handling of waste which is both radioactive and requires special handling for other reasons. A "combined hazards" approach will ultimately be necessary and incorporation of such into this document would seem appropriate.

Responsibility for waste appears to be retained by a shipper until the shipment reaches the disposal site. When a licensee chooses to utilize a shipping agent it is not possible to satisfy these responsibilities. The licensee, especially small institutions, do not have the authority or capability to monitor or interact on training of the vehicle operator, route of transport, repackaging or movement of the shipment within the vehicle, etc. It is strongly urged that procedures be established such that a licensee can transfer custody of waste to a shipping agent and upon acceptance of the material by the shipping agent, further responsibility resides with the agent rather than the original licensee.

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Secretary of the Commission

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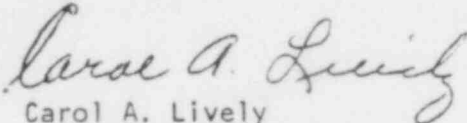
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Section 61.41 - The ground water concentration limit should be established at the boundary of the disposal site. A "nearest public drinking water supply" criterion might change after establishment of the site, causing potential danger on causing retroactive design limitations.

Section 61.70 - Participation should be limited to involved states.

Overall the document is liveable and an important step forward in providing for continued benefits derived from use of radioactivity and radioactive materials. Further improvement can be achieved by incorporation of these comments.

Sincerely,



Carol A. Lively
Executive Director

CAL/smt