



PROPOSED RULE PDR 20
(59FR 9146)

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DOCKETED
USMRC

May 16, 1994

The Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Attention: Docketing and Service Branch

Thank you for the opportunity to submit comment on the Nuclear Regulatory Commission (NRC) proposed rulemaking. East Bay Municipal Utility District (District) staff have reviewed the proposed rule and have the following comments.

The District has not performed any sampling on its various plant process streams to determine if any radioactive materials are detectable. It is known, however, that more than 20 small research-oriented NRC license holders are located within the service area boundaries.

Legislation regulating types and quantities of discharges should be considered only after completing a thorough health risk assessment.

GENERAL COMMENTS

Shortage of data:

- The NRC should fund and initiate a phased study to determine the fate of radionuclide discharges to the sanitary sewer. The initial phase should establish a nationwide database, similar to the EPA Toxic Release Inventory. This data would allow the NRC to identify who is discharging what materials and which POTW's are impacted. A second phase of the study would investigate those impacted POTW's and the fate of the various radionuclides on their influent, residuals and outfall. Requirements should be placed on the pollutant sources prior to entering the sewers to prevent the need for controls at POTW's.

Future POTW Regulations:

- The NRC should coordinate any future regulations affecting the sanitary sewer discharges with EPA requirements for Clean Water Act discharges, including Categorical Standards, NPDES permits and Sludge regulations.

POTW Impacts:

- Any regulations promulgated by the NRC should ensure that POTW's are not impacted and clearly show compliance at the sources. The costs of data collection, data reporting and worker training should be borne by NRC license holders.

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SPECIFIC COMMENTS

Current Regulation Basis:

- Section 2.2 of *Evaluation of Exposure Pathways to Man From Disposal of Radioactive Materials Into Sanitary Sewer Systems* describes present regulations controlling discharges of radionuclides. The current limitations do not properly reflect the hazards of radioactive materials behavior in a POTW nor *release to the environment*. An appropriate study would include: 1) POTW hazard identification; 2) A relevant exposure assessment; 3) toxicity assessment; and 4) a risk characterization.

In addition, District experience has shown that the type and mass of pollutant is of greater importance to the POTW than that volume of discharge. Future limits should consider the type of radionuclide discharged and POTW specific parameters, including outfall restrictions, sludge handling processes and sludge disposal methods.

Future Regulation:

- In regards to the Northeast Ohio Regional Sewer District petition recommending 24 hour advance notification to the affected POTW, EBMUD would support a reporting system for releases which could cause a threat to the POTW workers or environment.

If you have any questions or comments please contact me at 510/287-1630.

Sincerely,



THOMAS C. PAULSON
Supervisor Industrial Discharger Section

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