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May 19, 1994

DOCKET NUMBER
PROPOSED RULE PR 20
(59FR 9146)

Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Attn: Docketing and Service Branch
Washington, DC 20555

Subject: PECO Energy Company
Comments Concerning NRC Advance Notice of Proposed Rulemaking
10 CFR 20, "Disposal of Radioactive Material by Release into
Sanitary Sewer Systems" (59FR9146)

Dear Mr. Chilk:

This letter is being submitted in response to the NRC's request for comments concerning the Advance Notice of Proposed Rulemaking (ANPR) 10 CFR 20, "Disposal of Radioactive Material by Release into Sanitary Sewer Systems," published in the Federal Register (i.e., 59FR9146, dated February 25, 1994). PECO Energy Company appreciates the opportunity to comment on this ANPR to determine whether an amendment to the NRC's regulations is necessary governing the release of radionuclides from licensed nuclear power facilities to sanitary sewer systems. This potential rulemaking effort would revise the approach to limiting the release of radioactive materials into sanitary sewer systems by licensed nuclear power facilities based on current sewer treatment technologies. PECO Energy offers the following comments regarding this ANPR and recommends that the NRC not proceed at this time with any rulemaking to amend the current regulations concerning the release of radioactive material into sanitary sewer systems.

Comments

- 1) In the "Discussion" section of this ANPR, the NRC indicates that a number of incidents have occurred whereby radioactive material contamination was identified in sanitary sewer sludge and that these cases occurred prior to implementation of revised 10 CFR 20 limits for controlling the release of radioactive material to sewer systems. In response to these incidents the NRC revised its regulations in May 1991, to allow readily dispersible biological material to be released, but prohibited the release of any non-biological insoluble material since insoluble materials were generally implicated in the sewer sludge contamination cases. In addition, concentrations for some radionuclides permitted to be released to sewers were reduced by a factor of ten (10) as part of an overall reduction in effluent release limits. Since none of the cited cases occurred after the NRC amended its regulations in May 1991, it

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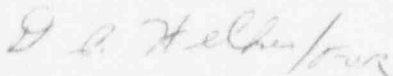
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is difficult to ascertain whether or not the current regulations have been effective in preventing recurrence. Unless the current regulations are proven ineffective, we do not consider it necessary or desirable at this time to initiate a rulemaking to amend the regulations governing the disposal of radioactive material into sanitary sewer systems.

- 2) in response to Item (2), "Total Quantity of Material," in the "Request for Information and Comment" section of this ANPR, we recommend that the NRC consider risk-based release limitations on dose in determining the maximum allowable activities for specific radionuclides. Using this methodology would eliminate the need to require that a 24-hour advance notice be made to the applicable sewage treatment plant prior to releasing radioactive material to the sanitary sewage system. Requiring a 24-hour advance notice as indicated in Item (2) will result in an undue administrative burden for licensees, which should not be incurred without equal benefit (i.e., increasing the level of protection to ensure the health and safety to the public). If the limits stipulated in the existing regulations maintain doses to the public at or below a pre-determined level (i.e., such as the existing dose limits for a member of the public from other release pathways) and As Low As Reasonably Achievable (ALARA), a 24-hour advance notification would not be necessary.

If you have any questions, please do not hesitate to contact us.

Very truly yours,



G. A. Hunger, Jr.
Director
Licensing Section