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OFFICE OF SECRETARY
DOCKETING & SERVICE
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(59FR9146)

May 20, 1994

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

Attn: Docketing and Service Branch

Re: RIN 3150-AE90

Dear Sir:

Staff members of the Texas Department of Health, Bureau of Radiation Control (Agency) have reviewed the advance notice of proposed rulemaking concerning disposal of radioactive material by release into sanitary sewer systems and offer the following comments for consideration:

It appears that the 1991 prohibition of the disposal of non-soluble, non-biological material via the sanitary sewer would solve each of the case studies provided. As such, no further rulemaking would seem necessary. Also, unless pathway modeling can demonstrate that exposures other than ingestion can exceed the 500 millirem per year standard, there seems little reason to create any additional restrictions.

The concept of creating a quantity limit for each radionuclide may create many problems for licensees. A quantity limit for each radionuclide could create a "bookkeeping nightmare" for large research and development licensees (e.g., universities) because such licensees would have to keep track of releases of each radionuclide to ensure that no single quantity limit was exceeded, rather than the total quantity limit. However, it may be reasonable to divide the one curie per year limit for all other isotopes into two limits based on the half-life of the isotopes. Long-lived isotopes that might concentrate in sludge could be held to a lower annual limit. A suggestion would be to keep the one curie per year limit for isotopes with half-lives of less than one year and 100 millicuries per year for isotopes with a half-life of greater than one year.

The concept of requiring a licensee to provide notice prior to any release via the sanitary sewer is unworkable. Many universities have laboratories that might be disposing of minimal quantities of radioactive material via the sanitary sewer. Since the disposal limits are based on meeting certain radiological safety criteria, any further notification requirements would serve no purpose in terms of additional radiation safety.

Thank you for the opportunity to provide input. If you have any questions concerning the comments, please contact Mrs. Ruth E. McBurney, C.H.P., Director, Division of Licensing, Registration and Standards at (512) 834-6688.

Sincerely,

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