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November 12, 1999
NG-99-1575

Secretary, U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

DOCKET NUMBER
PROPOSED RULE **PR 20**
(64FR35090)

Subject: Duane Arnold Energy Center (DAEC)
Docket No: 50-331
Op. License No: DPR-49
Comments on Proposed Rulemaking to 10 CFR Part 20

File: A-100

Dear Sir:

Federal Register (FR) Vol. 64, No 125 dated June 30, 1999, published, for comment, proposed Rulemaking to 10 CFR Part 20 (Release of Solid Materials at Licensed Facilities: Issues Paper, Scoping Process for Environmental Issues, and Notice of Public Meetings). The DAEC participated in and fully endorses the comments being forwarded to your staff through the Nuclear Energy Institute. Having reviewed the proposed rulemaking, DAEC has the following specific comments:

- The clearance level rulemaking should be dose based. Individual licensees could then use documents such as NUREG 1640 and ANSI N13.12 to establish clearance levels for their facilities. An annual dose limit on the order of 10 millirem should be considered. This value is consistent with the statistical variation of background doses in the US.
- Any material released under this rule should be exempt from DOT rules. Otherwise, material, which meets the criteria for unrestricted use or reprocessing, may have to have shipping paperwork because it exceeds 2 nanoCi/gm.
- Only rulemaking for unrestricted use should be considered. Conditional clearance implies the imposition of future controls on the material. Such controls are best addressed through the current licensing process.
- Though reference is made to the draft NUREG and ANSI documents establishing clearance levels, this letter does not endorse either document as neither has been scrutinized.

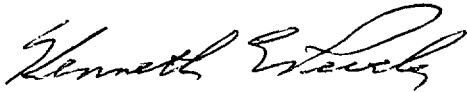
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If you have any questions regarding this matter, please contact my office at 319-851-7801.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth E. Peveler".

Kenneth E. Peveler,
Manager, Regulatory Performance

cc: NRC Document Control Desk
D. Allison, NRC-NRR
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