

Arkansas Department of Health
Division of Radiation Control and Emergency Management

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COMMENTS
ON
"CONTROL OF SOLID MATERIALS AT LICENSED FACILITIES"

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The Arkansas Department of Health, Division of Radiation Control and Emergency Management, offers the following comments related to the proposed "Control of Solid Materials at Licensed Facilities", currently under consideration by the NRC:

- All rules addressing the control and release of radioactive material from the regulatory process must be prescriptively-"dose-based" or "risk-based". The Commission might also reconsider the "below regulatory concern" concept.
- The public must **understand** what "dose-based" or "risk-based" actually means, and this understanding (and the explanation used to help achieve understanding) must be something to which the public can easily relate. While scientists and regulators understand (reportedly) what risk/risk assessment actually means, in all likelihood the public does not, although elevated risks are routinely accepted on a daily basis. Public acceptance of any type of control-lessening processes of materials that may affect them will not be easily gained. The rule must not be adopted without an accompanying rigorous public education program that would be designed, implemented, and completed by the NRC in cooperation with the States.
- Administratively, the control program must be consistently applied between the States and the NRC; however, the compatibility designation assigned to the control program must absolutely consider/address state or local laws, which may prohibit the program. The rule must be compatible with the States. The Commission must also understand that the rule will not only apply to reactor licensees, but it will also be applicable to other users of radioactive material. The rule must not place States in an untenable position.
- If the Commission pursues a program for the control and release of radioactive material, the States must be totally involved in the development of the program. Any such NRC program will directly impact state radiation control programs and state programs are responsible for the protection of the public health and safety of their citizens. States will also be "front line" responders to questions, inquiries, concerns, events; telephone calls from scrap metal dealers and landfill operators, etc. The States must be involved.

If you have questions, please contact me.

Dave Snellings

dsnellings@mail.doh.state.ar.us

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