



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Chief Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T-6D59
Washington, DC 20555-0001
Attn: Jack D. Parrot

1/31/02
67 FR 4764
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SUBJECT: Comments on Draft NUREG-1757

Dear Mr. Parrot:

Thank you for the invitation to comment on the draft report entitled Consolidated Nuclear Materials Safety and Safeguards' (NMSS) Decommissioning Guidance - Volume 1 Decommissioning Process, dated January 2002. We have reviewed the aforementioned document and find the document to be very well written and relatively comprehensive. Generally, the document consolidates several existing guidance documents for different classes of licensed facilities, and incorporates the process into one comprehensive document. This document retains many of the critical aspects of the other documents. As such, the Agency has commented on many of the details of the incorporated guidance documents before, and does not believe it is appropriate to restate such comments. The comments expressed below are limited to those aspects of the draft guidance document which have changed from the incorporated guidance documents, and those issues which may make for a more comprehensive decommissioning guidance document which will provide the licensee with all the appropriate tools needed to fully decommission and close a facility/license.

The Radiation Protection Division (RPD) offers the following two general comments to the Commission for consideration while developing its Consolidated NMSS Decommissioning Guidance.

- 1) There is no mention of EPA's Groundwater Maximum Contaminant Levels (MCLs) - The EPA has promulgated MCLs for specific radionuclides in 40 CFR Part 141 (National Primary Drinking Water Regulations). As a matter of policy, the Agency uses these MCLs as Applicable or Relevant and Appropriate Requirements for cleaning up Comprehensive Environmental Response Compensation and Liability Act (CERCLA) sites where the groundwater is contaminated with radiation. As such, NRC licensees should be made aware of these requirements to assist the licensee better in planning for unconditional release.
- 2) The guidance for partial site release should be expanded to consider land transfer scenarios that may arise and address these scenarios.

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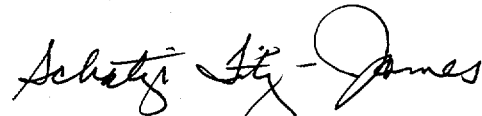
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Add. = M. Beranek (AFB)
JD. Parrot (JDP1)

In addition to the two general comments listed above, we also submit the following four specific comments for your consideration.

- a. Does addressing decommissioning plans for Group 2 licensees make sense, since they are not required for these licensees?
- b. The process for Group 3, 4, 5, 6, and 7 require that NRC make a determination as to whether local citizen or environmental groups have an interest in the site. This determination may be better made by the local authorities. NRC should consider standardizing their process by always contacting the local authorities and allowing them to decide an appropriate public notice to determine if the public has an interest in the facility.
- c. Group 5 requires facilities to describe the extent of groundwater contamination and proposed activities to remediate groundwater to meet criteria for unrestricted release. What occurs when groundwater contamination exceeds EPA MCLs but total public exposure meets unrestricted release criteria?
- d. The provisions described in Section 15.5.2 for decommissioning a portion of a site imply that, for the portion of the site that is being decommissioned, it is being given a type of 'provisional decommissioning' (the licensee still must assure that when the complete site is decommissioned, that the total site must still meet final release criteria). This section should further specify that any transfer of land should have a condition attached to it that the previous licensee is still responsible for meeting release criteria for the site as a whole. This condition would assure that adjoining parcels of land are not subsequently partitioned off in a manner that would allow licensees to partition the dose to the public, which would in turn allow greater total dose to the public.

As the NRC moves forward with its proposal, RPD would be pleased to provide any clarification to these points that you may need. Please feel free to contact either me at (202) 564-8338, or Mr. Brian Littleton at (202) 564-9216 with any questions concerning this issue.

Sincerely,



Schatzi Fitz-James, Director
Center for Radiation Site Clean-up