



NUCLEAR ENERGY INSTITUTE

Ralph L. Andersen, CHP
DIRECTOR-HEALTH PHYSICS & LLW
NUCLEAR GENERATION

July 28, 2006

Mr. James E. Dyer
Director
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Proposed Director's Decision Under 10 CFR 2.206, dated June 28, 2006

Dear Mr. Dyer:

This letter conveys comments from the Nuclear Energy Institute (NEI)¹ regarding the proposed Director's Decision (DD) on the petition dated January 25, 2006, filed pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206) by the Union of Concerned Scientists *et al.*

The underlying issue described in the petition is whether releases of radioactive liquids into groundwater at NRC-regulated reactor sites may exceed applicable NRC regulatory standards for adequate protection of public health and safety. The proposed DD concludes that "[the NRC staff] does not, at this time, believe that our response to this issue needs to involve issuance of enforcement actions such as the Demands for Information mentioned in [the] petition." We believe that the facts surrounding this issue, as described in the proposed DD, support this conclusion.

As stated in the proposed DD, "all available information on these releases shows no threat to the public health and safety." In fact, the available information indicates that estimated hypothetical maximum exposures to any member of the public from these releases represent a small fraction of the NRC radiation safety standard for public exposure of 100 mrem per year and are less than the lower-end NRC criteria

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Mr. James E. Dyer

July 28, 2006

Page 2

for demonstrating that exposures are “as low as reasonably achievable” (ALARA), of 3 mrem per year. These values are also well below the average amount of radiation exposure received by people in the U.S. of 300 mrem per year.

Although the health and safety significance associated with these releases is comparatively small, the nuclear energy industry has taken the initiative to implement a series of actions to enhance the control, monitoring, and reporting of such releases. Every operating and decommissioning nuclear power plant is developing an action plan to assess potential sources and pathways for releases, existing studies of site geo-hydrology, and site programs for leakage detection and groundwater monitoring. The objective of the action plans is to identify enhancements to prevent radioactive material from being transported off site in groundwater and to quantify impacts on decommissioning.

In addition to the action plans, each site is implementing a communications protocol to provide timely notification to state and local officials regarding inadvertent releases of radioactive liquids and elevated levels of radioactive materials in groundwater. Each site is also providing baseline information regarding the current status of leak detection and groundwater monitoring to the NRC to help inform the staff’s evaluation of applicable regulations, guidance and oversight.

To date, we have had four public meetings with the NRC in which we have demonstrated progress in carrying out our initiative. At those meetings, every opportunity had been provided to interested stakeholders to comment and ask questions, not only of the NRC regarding its regulations and oversight, but also of the industry regarding its initiative.

The industry has set a completion date of July 31, 2006, for the action plans and communications protocols to be implemented at each site and for the baseline information to be provided to the NRC. We expect that the NRC staff will have this information available to support a final DD.

If you have any questions regarding our comments, please contact me at (202) 739-8111.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph L. Andersen". The signature is written in a cursive, flowing style.

Ralph L. Andersen