

September 16, 2011

7/18/2011
76 FR 42074

Ms. Cindy Bladley, Chief
Rules, Announcements and Directives Branch (RABD)
Office of Administration
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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Subject: Response to Request for Comments Concerning "10 CFR 20 - Consideration of Rulemaking to Address Prompt Remediation of Residual Radioactivity During Operations" (Federal Register Notice 76FR42074, dated July 18, 2011, Docket ID NRC-2011-0162)

Exelon Generation Company, LLC (Exelon) is submitting this letter in response to the U.S. Nuclear Regulatory Commission's (NRC's) request for comments concerning the "10 CFR 20 - Consideration of Rulemaking to Address Prompt Remediation of Residual Radioactivity During Operations," published in the *Federal Register* (i.e., 76FR42074, dated July 18, 2011).

The NRC is soliciting input from the public, licensees, Agreement States, non-Agreement States, and other stakeholders on potential rulemaking activities to address prompt remediation of residual radioactivity during the operational phase of licensed material sites and nuclear reactors.

Exelon appreciates the opportunity to comment on this subject and is offering comments as discussed below for consideration by the NRC.

Exelon believes that the rulemaking being contemplated has significant regulatory and policy implications and appreciates the NRC's efforts in soliciting stakeholder input early in the process.

The NRC's current regulatory framework under 10 CFR 50.75, "Reporting and recordkeeping for decommissioning planning," establishes decommissioning funding assurance through multiple layers of requirements and limitations such that every power reactor that has ceased operations, and which has been or is currently being decommissioned, has been able to fund and safely perform required decommissioning activities. Previous nuclear power reactor decommissioning projects have been completed by licensees, and none are believed to have resulted in legacy sites, even with cleanup of residual radioactivity. Exelon considers the current decommissioning funding requirements to be sufficient and effective in preventing legacy sites. The probability of a nuclear power reactor becoming a legacy site is extremely low, and it is unlikely that this potential rulemaking effort would further reduce the probability or help to improve public health and safety at a decommissioned power reactor site.

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Call = C. Glenn (2591)

If the NRC continues with rulemaking efforts concerning this subject, Exelon recommends that the NRC consider factors such as safety, operational impacts, and cost, as a potential basis for delaying remediation. If residual radioactivity can be shown to be limited to the owner-controlled area, there should be no impact on the health and safety of the public by delaying remediation, and hence there would be no benefit to prompt remediation. Furthermore, plant operation and safety could be negatively impacted if the remediation required removal of existing plant buildings and equipment. Most remediation is simpler, safer, and more effective when removal of plant buildings and equipment is being performed during decommissioning. In addition, specific funding for radiological decommissioning, including cleanup of residual radioactivity, is currently addressed in the NRC's regulations (i.e., 10 CFR 50.75). Tracking of radioactive spills is also required by 10 CFR 50.75 to ensure that any residual radioactivity is cleaned up as part of decommissioning.

In addition, Exelon fully supports the comments submitted by the Nuclear Energy Institute (NEI) on behalf of the industry in response to this subject including the responses to the questions cited in Section III, "*Specific Questions*," in the *Supplementary Information* section of the *Federal Register* notice.

If you have any questions or require additional information, please do not hesitate to contact Richard Gropp at 610-765-5557.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael D. Jesse" with a stylized flourish at the end. The initials "GR" are written in the bottom right corner of the signature.

Michael D. Jesse
Director – Licensing and Regulatory Affairs
Exelon Generation Company, LLC