Exelon Generation®

200 Exelon Way
Kennett Square, PA 19348
www.exeloncorp.com

3

6/3/2013
78FR33008

August 1, 2013

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

Subject: Comments Concerning Consideration of Rulemaking to Address Prompt Remediation of Residual Radioactivity During Operations (78FR33008, dated June 3, 2013, Docket ID NRC–2011–0162)

This letter is being submitted in response to the U.S. Nuclear Regulatory Commission (NRC) request for comments published in the *Federal Register* on June 3, 2013 (i.e., 78FR33008) concerning potential rulemaking efforts to address prompt remediation of residual radioactivity during the operational phase of licensed material sites and nuclear reactors.

In support of this potential rulemaking effort, the NRC is gathering information and seeking stakeholder feedback on this subject in order to assist in the development of a technical basis document. To aid in this process, the NRC is requesting comments on the issues discussed in Section III, *"Specific Questions,"* in the *SUPPLEMENTARY INFORMATION* section of the *Federal Register* notice, as well as comments on the draft Regulatory Basis document that was prepared.

Exelon Generation Company, LLC (Exelon) appreciates the opportunity to comment on this subject and offers the attached comments for consideration by the NRC.

Respectfully,

James Barstow
Director, Licensing and Regulatory Affairs
Exelon Generation Company, LLC

Attachment

SUNSI Review Complete
Template = ADM – 013
E-RIDS= ADM-03
Add= L. Shepherd (JCS2)

Comments Concerning Consideration of Rulemaking to Address Prompt Remediation of Residual Radioactivity During Operations

In support of this potential rulemaking activity, the NRC is gathering information and seeking stakeholder feedback on the issues discussed in Section III, *"Specific Questions,"* in the *SUPPLEMENTARY INFORMATION* section of *Federal Register* notice 78FR33008, as well as comments on the draft Regulatory Basis document that was prepared. The specific questions from the *Federal Register* notice are restated below followed by the Exelon Generation Company, LLC (Exelon) response.

1. *Should the NRC proceed with rulemaking to address remediation of residual radioactivity during the operational phase? Why or why not?*

   Response

   Exelon recommends that the NRC reconsider rulemaking concerning the prompt remediation of residual radioactivity since it is seems unwarranted at this time. Several programs already exist that require prompt action by the licensees/permittees to control the risk and release of radioactive material by licensees.

2. *If the NRC does implement a rule that requires prompt remediation of radioactive spills and leaks, what concentration, dose limits, or other threshold limits should trigger prompt remediation? Should the thresholds differ for soil versus groundwater contamination?*

   Response

   Exelon believes that if the NRC proceeds with the rulemaking initiative, action levels should be risk-based and should include such items as constituent of concern, mobility, exposure pathway, dose, decay, and proximity to receptors.

3. *Should the NRC allow licensees to justify delaying remediation under certain conditions when the contaminant level exceeds the threshold limit? If yes, then what conditions should be used to justify a delayed remediation?*

   Response

   Exelon believes that it would be appropriate for licensees to delay remediation under most conditions. The NRC should allow licensees to delay remediation based on the isotope(s) of concern, their mobility, exposure pathway(s), potential dose, decay, proximity to receptors, and alternative engineered controls (e.g., temporary cover, containment, or control).

4. *Should factors such as safety, operational impact, and cost be a basis for delaying remediation?*

   Response

Exelon believes that safety is paramount in every decision. Risk, rather than cost or operational impact, should be the driver for remediation. If the licensee can demonstrate the effective control of the released material, thereby limiting the potential for exposure, then licensees should have the option to delay remediation until the time of decommissioning.

5. *If the NRC implements a rule that allows licensees to analyze residual radioactivity to justify delaying remediation, then what should the licensee's analysis cover? For example, what kind of dose assessment, risk assessments and/or cost-benefit analyses should be performed to justify delayed remediation? What other types of analyses are relevant?*

   Response

   Exelon believes that if the NRC proceeds with the rulemaking effort, appropriate radiation protection strategies should be instituted/implemented to delay remediation.

6. *If the NRC implements a rule that allows licensees to analyze residual radioactivity to justify delaying remediation, what role should the cost of prompt remediation versus remediation at the time of decommissioning play in the analysis?*

   Response

   As noted above, risk rather than cost should be the driver for remediation. If licensees can demonstrate the effective control of the released material, thereby limiting the potential for exposure, then licensees should have the option to delay remediation until the time of decommissioning.

7. *If the NRC implements a rule that allows licensees to analyze residual radioactivity to justify delaying remediation, what standards or criteria should a licensee use to demonstrate to the NRC that a sufficient justification to delay remediation has been met?*

   Response

   Exelon believes that if the NRC proceeds with the rulemaking effort, licensees should use isotope(s) of concern, mobility, exposure pathway(s), potential dose, decay, proximity to receptors, and proposed engineering controls to effectively demonstrate that sufficient justification is provided to limit any potential risk in order to justify a delay in remediation.

8. *Are there any other alternatives beyond those discussed in the Draft Regulatory Basis document that the NRC should have considered to address prompt remediation?*

   Response

   Exelon identified no further alternatives beyond those discussed in the supporting documentation made available by the NRC concerning this matter.

9. *What other issues should the NRC staff consider in developing a technical basis for a rulemaking to address prompt remediation of residual radioactivity during site operations?*

Response

Exelon identified no additional issues for NRC consideration in developing a technical basis for any potential rulemaking.