

Mendiola, Doris

Subject: FW: AREVA Richland's Response to the proposed rule making for prompt remediation
Attachments: 20160823160534.pdf

From: MANNING Calvin (AREVA) [<mailto:Calvin.Manning@areva.com>]
Sent: Tuesday, August 23, 2016 6:53 PM
To: Bladey, Cindy <Cindy.Bladey@nrc.gov>
Cc: TATE Timothy (AREVA) <Timothy.Tate@areva.com>
Subject: [External_Sender] AREVA Richland's Response to the proposed rule making for prompt remediation

Ms. Bladey;

Attached is AREVA Richland's response to the request for comments on the proposed rule making for prompt remediation.

AREVA acknowledges that this response is a day later than requested, and the NRC may choose to disregard our input. If, however, this input can still be useful please forward it to those of your staff who are consolidating industry's comments on this issue.

Thanks

Cal

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Add= *Mr. Vaaler (mgv)*



August 23, 2016
TJT:16:027

Ms. Cindy Bladey, Chief
Rules, Announcements, and Directives Branch (RADB)
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: AREVA-NP Comments on Consideration of Rulemaking to Address Prompt Remediation of Residual Radioactivity during Operations, NRC Docket ID NRC-2011-0162, *Federal Register* 43959 Vol. 81, July 6, 2016

Project Number: 689

Dear Ms. Bladey:

AREVA appreciates the opportunity to comment on NRC staff's consideration of a potential rulemaking to address prompt remediation of residual radioactivity during operations. The U.S. Nuclear Regulatory Commission (NRC) staff has requested additional input from various stakeholders on the need for this potential rulemaking in the Federal Register on July 6, 2016.

As a Category III fuel fabrication facility, we are concerned that several of the proposed additional requirements have significant regulatory and policy implications and may have a significant impact on AREVA's safety and compliance programs without a clear regulatory need, articulated benefit or safety concern. Our prior position, expressed in behalf of industry by a September 16, 2016 NEI letter, that the current regulatory framework is adequate to address the need for remediation during operation, and that no additional rulemaking is necessary in this area, remains unchanged.

AREVA's Position

As reflected in industry's comments during the July 2016 public meeting and in NEI's September 16, 2011 and August 2, 2013 letters on two previous iterations of the Draft Technical Basis,¹ AREVA believes that the rulemaking being contemplated has significant regulatory and policy implications. Further, we also observe that the NRC's own proposals for addressing cumulative effects suggests that the "regulatory basis stage may be the optimal point in the rulemaking process to apply a [Cumulative Effects of Regulation] template, to assist in evaluating whether issuing a proposed rule is the appropriate action."² Fundamentally, that is what the Commission requested in 2012 when it directed the staff to examine "the pros and cons of moving forward with a proposed prompt remediation rulemaking including the staff's initial analysis of whether the cost/benefit analysis satisfies the backfit requirements."³ It remains AREVA's position that performance of those evaluations and analyses,

¹ See NEI (R. Andersen) Letters to NRC (C. Bladey), "Comments on the Consideration of Rulemaking to Address Prompt Remediation of Residual Radioactivity During Operations (Docket ID NRC-2011-0162)," Sept. 16, 2011 and August 2, 2013.

² See SECY-12-0137, at 4.

³ "Staff Requirements – SECY-12-0046 – Options for Revising the Regulatory Approach to Ground Water Protection," May 24, 2012.

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consistent with the proper framing of the issue, would reveal that this effort would not result in a substantial safety increase, and would, in fact, unjustifiably burden both industry and the NRC at a time when resources are better spent on efforts that will result in a substantial safety benefit. NRC resources should not be expended to continue this effort since the regulatory framework in place today is more than adequate and no significant safety or security issue relevant to current licensees has been identified.

Background

By way of background, neither of the previously issued versions of the draft Technical Basis supported a rulemaking requiring prompt remediation during operations because the analysis contained in those documents: (1) assumed that a rulemaking is required, rather than meaningfully assessing the need for new requirements; (2) failed to identify a concrete generic issue that requires resolution via the contemplated rulemaking; and (3) failed to adequately address the backfit implications of the contemplated rulemaking, despite Commission direction to do so. NEI's earlier letters provide extensive detail regarding the basis for our position on these matters.

Current Framework is Adequate

AREVA remains firmly committed to continuing to plan, fund, and conduct safe and efficient facility operations and future decommissioning. This work includes minimizing, detecting and monitoring contamination during operations to reduce exposures and minimize generation of radioactive wastes. Our facility design, plant operations and NRC's inspection programs help ensure these regulatory requirements are continually met, even in abnormal situations. In addition, AREVA's NRC approved license application commits to an As Low As Reasonably Achievable ("ALARA") protection program and surface contamination control measures.

We firmly believe that current NRC regulations contain appropriate and adequate requirements to facilitate this goal and prevent legacy sites. Existing regulations require licensees to, among other things, minimize doses and releases of radioactive material to as low as reasonably achievable (20.1101(b)), comply with regulatory dose limits for individual members of the public and environmental radiation standards (20.1301), control licensed material to minimize the introduction of residual radioactivity into the site including the subsurface (20.1406(c)), perform site surveys and monitoring activities to evaluate potential radiological hazards of residual activity including the subsurface (20.1501 (a)), keep records important to decommissioning including areas that might have become contaminated during facility operations, (70.25(g)(1) and (3)), and promptly report unplanned contamination events that restrict access to an area for more than 24 hours by imposing additional radiological controls (70.50(b)(1)).

NRC staff agrees, stating in the draft technical basis, that "no legacy sites have occurred since institution of financial assurance rules in 1987."⁴

AREVA Richland Operational Experience

The AREVA Richland site has programs in place to detect and monitor contaminated areas that would potentially need to be remediated either during operations or decommissioning. This includes performing routine site surveys and monitoring activities to evaluate potential radiological hazards of residual radioactivity including the subsurface. AREVA monitors groundwater contamination and

⁴ See "DRAFT Technical Basis For Prompt Remediation, Rev. 4", Page 8, April 18, 2013.

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contamination levels for the two key monitored constituents, i.e. uranium and fluorides, are currently essentially at or below drinking water limits.

AREVA notes that based on its own prior experience, previously completed remediation efforts have not resulted in reduced radiation exposure to workers or members of the public. NRC mandating such activities would have been difficult to justify from a cost-benefit perspective.

Further, AREVA has fully implemented the final Decommissioning Planning Rule which became effective in December 2012.

Finally, NRC can and does inspect AREVA programs to ensure compliance with applicable regulations and we welcome such opportunities to provide and exchange programmatic information.

In Summary

NRC should discontinue the expenditure of resources to develop a potential rulemaking on prompt remediation during operations in view of the current regulatory framework and the absence of any information or data to suggest that a safety issue exists.

Further, current financial assurance regulations are sufficient to ensure adequate resources are available to complete decommissioning. AREVA's NRC approved Decommissioning Funding Plan and associated financial assurance includes appropriate levels of funding for potential sub-surface characterization and remediation activities.

AREVA remains fully committed to ensuring that actions are taken to assess the need for performing remediation of soil and groundwater now and in the years to come.

If you have any questions or concerns regarding these comments, please feel free to contact me at (509) 375-8550.

Sincerely,



Tim Tate, Manager
EHS&L

c: Mr. John Tappert, NMSS/DUWP, NRC
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