

SIEMENS

DSI-9

14

November 22, 1996
LJM:96:091

Mr. John C. Hoyle
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Attn: Chief of Docketing Service Branch
Washington, D.C. 20555-0001



Dear Mr. Hoyle:

Subject: Comments on NRC Direction - Setting Issue (DSI) No.9 - Decommissioning - Non-Reactor Facilities

The following comments are being submitted by Siemens Power Corporation (SPC) in regards to DSI 9 (Decommissioning - Non Reactor Facilities) of NRC's Strategic Assessment and Rebaselining initiative. SPC, through its Nuclear Division, operates a low enriched uranium nuclear fuel fabrication plant located at Richland, Washington, and is regulated as a major materials licensee under 10 CFR Part 70. SPC's comments take the form of discussions of each option.

With regard to Option 1, SPC finds the existing program acceptable even though a more generic program that allows flexibility is preferable. We agree with the NRC that the current program is reasonably conservative and therefore believe that the NRC needs to continue the existing program with one exception. We recommend a generic solution to the natural uranium and or thorium-contaminated sites rather than continue the site-by-site ad hoc solutions.

SPC finds the Option 2 approach acceptable since it would reduce delays for many licensees. With respect to large uranium sites, SPC agrees with providing residual contamination goals, provided the goals are reasonable, that there is flexibility, and that NRC reviews can be performed in reasonable time frames. For uranium and thorium sites, the NRC needs to realize that there may be great difficulty in distinguishing licensed material from background material, that non-parametric statistics may have to be used, and uncertainties in measurements at very low levels may be large. In its DSI paper on decommissioning, the NRC indicates delays of up to three years in the decommissioning schedule could occur. If this option would reduce delays, SPC would support it.

SPC strongly supports the NRC's increasing the dose rate limits and making intruder scenarios more realistic as discussed in Option 3. The NRC proposed criteria of 15 mrem/year may not be attainable in many instances. Distinguishing licensed material from background material may present major problems especially when limits are very low. More realistic scenarios and higher

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Acknowledged by 11/23/96

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dose limits could dramatically lower costs while still protecting public health and safety. SPC does not necessarily agree with the NRC that changing limits has no impact on the NRC review process. When limits are set extremely low, statistics and uncertainties play a larger role and thus review time will be impacted for many licenses who deal with uranium and thorium.

SPC encourages the NRC to consider adopting the Superfund approach (Option 4). Detailed costs analyses would have to be performed, but such an approach appears to offer a potentially attractive and more flexible alternative to decommissioning, especially if large quantities of soil are involved such as at uranium and thorium sites.

The consistent regulation of source material with naturally-occurring and accelerator-produced radioactive materials (NARM) is important to the industry (Option 5). However, rather than transferring jurisdiction of source material to EPA we believe that the NRC should acquire jurisdiction over NARM because NARM is more like by-product material than source material. As a result there would be consistent regulation of these similar materials.

SPC agrees with the portion of Option 6 suggesting that NRC concentrate on decommissionings in which progress can be made in order to efficiently close them. The idea of transferring the stalled cases to EPA with its greater legal authority to force remediation, while appearing desirable on the surface, could result in the requirement for a new set of administrative procedures to define when a decommissioning is stalled. SPC, therefore, is in favor of the concept of transferring stalled cases to EPA as long as a reasonable set of conditions is in place to set a threshold for such transfers.

Uranium and thorium-contaminated wastes are often similar to the wastes that are in mill tails disposal sites in terms of radioactivity and physical characteristics. Treating these in a similar regulatory manner makes sense (Option 7). SPC would, therefore, strongly support this option. Being able to dispose of low level uranium with similar types of waste, such as with uranium tailings, at much lower costs will facilitate decommissioning.

The need to strengthen NRC's litigation in enforcement actions with respect to decommissioning (Option 8) is not clear. In SPC's view the NRC has sufficient authority to compel licensees to properly decommission sites.

SPC does not believe there would be any value to the NRC's having Superfund authority (Option 9). The industry's history with Superfund is that it has not helped. The decommissioning of sites under Superfund has resulted in additional delays and increased cost in many instances.

In addition, SPC agrees in principle with the comments on this subject submitted by NEI.

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We appreciate the opportunity to actively participate in NRC's Strategic Assessment and Rebaselining effort via submittal of these comments. If you have questions, please feel free to contact me on 509-375-8537.

Very truly yours,

A handwritten signature in cursive script that reads "L. J. Maas".

L. J. Maas, Manager
Regulatory Compliance

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cc: F. Killar, NEI