



DSI-9 (18) Conference of Radiation Control Program Directors, Inc.

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November 27, 1996

Mr. John C. Hoyle
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Chief of Docketing and Services Branch

Dear Mr. Hoyle:



Enclosed are the comments from the Conference of Radiation Control Program Directors, Inc. (CRCPD) Board of Directors on the U.S. Nuclear Regulatory Commission's (NRC) Strategic Assessment and Rebaselining issues papers. The CRCPD is a national organization dedicated to radiation protection and whose membership is made up of personnel from state, territorial, and local radiation control programs throughout the country.

The activities of the NRC, especially in the radioactive materials area, have a significant impact on state and local radiation control programs. We have concentrated our comments on those issues papers that most directly impact the future of the programs represented in CRCPD. Comments are enclosed on the following Direction Setting Issues Papers:

DSI 2	Oversight of the Department of Energy
DSI 4	NRC's Relationship with Agreement States
DSI 5	Low Level Waste
DSI 6	High Level Radioactive Waste
DSI 7	Materials/Medical Oversight
DSI 9	Decommissioning - Non-Reactor
DSI 12	Risk-Informed, Performance-Based Regulation
DSI 13	Role of Industry
DSI 14	Public Communication Initiatives
DSI 21	Fees
DSI 22	Research
DSI 23	Enhancing Regulatory Excellence
DSI 24	Power Reactor Decommissioning

We appreciate the opportunity to comment on these issues and your consideration of our concerns.

Sincerely,

William P. Dornsife

William P. Dornsife
Chairman, CRCPD

Enclosures

A Partnership Dedicated to Radiation Protection

Acknowledged by *csd* 12/31/96 *ms*

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**CRCPD Board of Directors
Comments on**

NRC DIRECTION SETTING ISSUE 9

DECOMMISSIONING - NON-REACTOR

Summary/Discussion

This issue paper appears to focus primarily on source material licensees. The same concerns exist for any major licensee (broad research and development, processors, waste processors, etc...). States were only mentioned in conjunction with coordination with NRC decommissioning activities. However, the policies and processes that NRC adopts also impact state radiation control programs and the strategies that are available in those states as well.

In general, standards for site cleanup and ground water protection should be consistent with existing NRC standards.

It is understandable that decommissioning of sites will have varying levels of external public interest. However, to maintain a moderate cost, public intervention should be kept at a minimum to hearings and comments. Adjudicatory hearings to resolve decommissioning decision disputes are not only unnecessary but costly and time consuming to all. On many occasions, these type forums serve no applicable purpose to the technical issues. Therefore, adjudicatory or trial type hearings should be avoided if possible.

One problem not really addressed is the potential for recycle of material. Both for discrete sources such as Co-60 and Am-241, and for contaminated or activated metal, disposal is not a good option. Disposal takes up land, and the sources and metals are potentially valuable for other things. However, there are no standards which encourage recycling of appropriate radionuclides. This is an area for NRC to research.

Options

Option 1: The current program doesn't seem to be working for all sites, although progress is being made at some of the sites under the SDMP plan.

Option 2: Changing the decommissioning review process and eliminating or decreasing some plan reviews will allow some licensees to immediately begin the decommissioning process. This would also free up FTE's which could be directed to other activities. However, only minimally contaminated sites should be allowed this option, and more direct observation and controls required to properly oversee the project. For complex projects, improperly characterized sites may result in additional expense to the licensee and additional resources required from the regulatory agencies.

Option 3: While there may still be disagreement with the numerical values, this is a valid approach that should be implemented. There should be different criteria between intruder scenario and non-intruder scenario (e.g., maximally exposed individual versus critical population).

To change residual contamination criteria is something that could be done on a case-by-case basis. It appears that a lot of the site clean-up and decommissioning criteria could be handled in this manner with quality radiological standards rather than binding regulatory requirements. If a specific dose criteria is to be applied as a limit for release of sites, not all sites should be treated as residential sites. One should be able to apply occupancy factors for achievement of the dose limit, based on the future use of the site and deed restrictions.

Option 4: This should be considered, but resource requirements may make it a lower priority. Option 6 makes more sense. To adopt the EPA Superfund approach would be an extremely difficult and complicated approach to undertake if the intent of the issue is to escalate decommissioning of the sites.

Option 5: To regulate Source Material as NARM and transfer to the EPA and the states by amendment in the AEA should not even be an option considered by NRC. The NRC has assumed there would be no substantial impacts on the Agreement States. Considerable impacts would be felt by all the states (both Agreement and non-Agreement States), especially if the states with delegated EPA authority decide to place this responsibility under a RCRA or CERCLA program area rather than the radiation control program. These EPA program staff at the state level do not have the training or expertise to carry out the regulatory responsibilities, and chaos would occur. In addition, separate radiation standards would certainly evolve that would be different from NRC requirements for their licensees. It would be better for NRC to be given authority to regulate NARM by Congress and all standards could be consistent.

Option 6: This option appears to make a lot of sense, especially if Agreement States could also refer sites to Superfund as well. This option would be particularly useful for those sites for which there is no definitive source of decommissioning funding to complete the project, sites for which the licensee has been unable to obtain a financial assurance instrument, and sites for which litigation involving financial assurance or the timeliness rule is pending. We agree that the potential for swift transfer of sites to the EPA will also act as an incentive for a licensee or an unlicensed responsible party to resolve financial funding issues and continue to make progress towards decommissioning.

Option 7: This is a valid approach, and is already being implemented, as in the case of Dawn Mine Works. This issues paper does not emphasize adequately the fact that these options are already viable. If uranium mill tailings sites could be used for disposal of decommissioning waste of similar characteristics, more licensee and responsible parties may choose offsite disposal rather than the more resource-demanding onsite disposal scenarios.

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Option 8: The main impact of this option would be to force decontamination and decommissioning before the licensee can funnel money out of the corporation. This is important and should be a standard operating procedure for major facilities with problems.

Option 9: This option appears unnecessary and duplicative of EPA efforts. NRC already has the authority to transfer problematic sites to the EPA. This only makes sense if Option 6 can not be implemented.