



DSI-24
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November 27, 1996

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



ATTN: Chief of Docketing and Services Branch

Dear Mr. Hoyle:

The Texas Department of Health's Bureau of Radiation Control has reviewed several of the Direction Setting Issues Papers (DSI's) included in the U.S. Nuclear Regulatory Commission's (NRC) strategic and rebaselining initiative. Enclosed are our comments on the following DSI's:

| | | | |
|-------|--------|--------|--------|
| DSI 2 | DSI 9 | DSI 14 | DSI 23 |
| DSI 4 | DSI 12 | DSI 20 | DSI 24 |
| DSI 5 | DSI 11 | DSI 21 | |
| DSI 7 | DSI 13 | DSI 22 | |

We appreciate the opportunity to comment on these documents and to be part of the process.

Sincerely,

Richard A. Ratliff, P.E., Chief
Bureau of Radiation Control

Enclosures

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**TX Department of Health
Bureau of Radiation Control
Comments on**

**NRC DIRECTION SETTING ISSUE PAPER 24
DECOMMISSIONING - POWER REACTORS**

What should be the NRC's strategy for regulating decommissioning activities at power reactor sites?

There is no technical basis for the selection of 15 millirem per year as a decommissioning standard. With this in mind, we support the concept of revisiting the approach to setting residual contamination criteria and review scenarios independently of the EPA. With respect to the single issue of radiological criteria for decommissioning, we recommend that NRC select Option 3--the NRC staff would move slowly in implementing its current rulemaking approaches. Given that the NRC's approach to this issue is heavily influenced by its apparent need for agreement with the EPA, and given that the Commission needs to fully consider the Options for DSI 9, it is premature to move forward with the current rulemaking.

Specific Comments

Page 10, Paragraph 6

The NRC is correct to point out that there has been some major controversy involving both the EPA and the NRC rulemaking on the issue of radiological criteria for decommissioning. The statement is made that details of this issue are addressed in DSI 3, however DSI 3 refers the reader to DSI 12. DSI 12 deals mostly with probabilistic risk assessment issues, but does briefly mention that dual regulation between the NRC and the EPA is a problem. DSI 12, Page 25, indicates that radiological criteria for decommissioning is a Related Issue that will be addressed after the Commission has made decisions on the major issues in DSI 12. In following this path through the DSIs, the reader is left to conclude that NRC has no immediate recommendation to the Commission on this issue, nor is it clear that the NRC is soliciting comments on this issue at this time. However, the general issue of decommissioning is addressed in greater detail and with greater imagination in DSI 9. Option 3 of DSI 9 appears to have some good ideas which are worthwhile for the NRC to explore.

Page 14, Paragraph 6

With respect to the single issue of radiological criteria for decommissioning, we recommend that the NRC select Option 3. The NRC staff should move more slowly in implementing its current rulemaking approach. Given that the NRC's approach to this issue is heavily influenced by its apparent need for agreement with the EPA, and given that the Commission needs to fully consider the Options for DSI 9, it is premature to move forward with the current rulemaking.

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Page 15, Paragraph 3

We do not agree with the option to transfer nuclear power plants to Agreement State control after the removal of fuel. To do so puts additional burden on the states without the monetary and staff resources to oversee the final decommissioning of the site. The technical, legal and regulatory issues that would have to be considered for such a transfer would also be numerous.