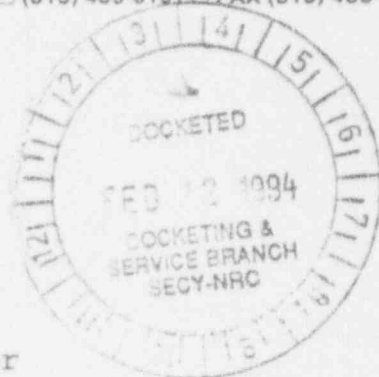




Consultants to Nuclear Medicine • Radiology • Nuclear Industry

STAN A. HUBER CONSULTANTS, INC. □ 200 NORTH CEDAR ROAD □ NEW LENOX, IL 60451 □ (815) 485-6161 □ FAX (815) 485-4433

February 14, 1994



Secretary
U.S. Nuclear Regulatory Commission
ATTN: Docketing and Service Branch
Washington, D.C. 20555

RE: Comments on Draft Radiological Criteria for
Decommissioning (10CFR20)

Gentlemen:

The comments in this letter are referenced to the Draft
Radiological Criteria for Decommissioning, as issued by the NRC
on January 26, 1994 to "Participants and Interested Parties."

1. RADIOLOGICAL CRITERIA

In item 4, page 20 of the Draft, it is stated that a site
release dose limit would be established at 15 mRem/y TEDE
for residual radioactivity distinguishable from background.

I would like to suggest an alternate (not replacement) to
that dose limit which is also consistent with current NRC
regulations. That is, it should also be acceptable to
release a site if it can be shown by a licensee to the NRC
or Agreement State, that any releases of radionuclides from
a decommissioned site will be less than the release limits
detailed in the 10CFR20 Appendix Tables for effluent
concentration limits and limits for releases to sewers.
Further, that broad list of existing criteria could be
coupled with a specific release limit, such as 200 DPM per
100 cm² for removable beta-gamma activity and 20 DPM per
100 cm² for alpha. Decontaminating below these stringent
action levels in the past has been considered ALARA and we
believe that philosophy and judgement was reasonable,
especially in many cases where initial baseline
contamination was minimal.

The main reason for defining such specific alternate release
limits is that we believe most licensees and the general
public would find it far easier to look at the wipe test
results from a decommissioning close-out radiation survey
and see that no result exceeded 200 DPM per 100 cm² wipe
test area, than it would be for such affected parties to
understand the derivation of 15 mRem/y TEDE above background
at an individual site. Although the NRC states that

guidance will be issued to define how to establish "what background is" at any given decommissioning site, it seems there are already too many guides related to the implementation of the new 10 CFR Part 20. The more academic guidance that is issued, the more obfuscation seems to appear, with less practical safety results or understanding.

For example, if normal background external radiation exposure readings are typically between 0.02 mRem/hr to 0.1 mRem/hr in the U.S.; then that finite range can be established as a general regulatory range for such radiation exposure. Hopefully, the NRC and individual Agreement States can define their narrow geographic variations for decommissioning applications within their regions. At the same time, if most Agreement States have already agreed upon 5 pCi to 15 pCi per gram in soil, etc. as an upper limit range for NORM (mainly Ra-226 contamination), then it should be possible for the NRC to establish a similar simple limit for all the other lower hazard by-product materials for soil contamination. Transuranics would need a lower limit or special consideration, but alternate and more easily understandable and translatable action levels should be developed. This would promote radiation safety; ease of training; easier understanding; and consistency among regulations. Or, is the NRC proposing that all current Agreement State regulations for NORM (naturally occurring radioactive material) be changed to the 3 mRem goal to 15 mRem action level range??

2. COMMUNITY INVOLVEMENT

In item 7, page 24 of the draft, it reads as if the public is informed of every decommissioning plan received by every nuclear regulatory agency. Only much later in the draft, on page 39 "Conceptual Basis", is it somewhat clarified that only decommissioning plans that have failed to meet the decontamination upper limit of 15 mRem/y would indicate the need to draft a new plan and assembly of a Site Specific Advisory Board (SSAB). I suggest that the wording of this section be clarified or referenced to and preceded by "Definitions" and "Conceptual Basis" to avoid misinterpretations.

3. ALARA CONSIDERATIONS

In item 9, pages 28 - 31 of the draft it is not totally clear that it is the NRC or Agreement State that makes the final decision on whether or not ALARA decontamination actions have been performed and that this is not a licensee nor SSAB decision. If the licensee or SSAB strongly disagrees with the regulatory decision, then we would recommend an appeal process for a separate regulatory

hearing and final decision within a reasonable period (perhaps 90 days). This may avoid lawsuits.

4. DEFINITIONS AND SITE SPECIFIC ADVISORY BOARD

In the "Definitions" category on page 43 of the draft, the "Site Specific Advisory Board (SSAB) would be a committee constituted by the licensee to provide advice to the licensee on decommissioning."

On page 54, in the "Site Specific Advisory Board" section, it states that the committee would consist of about 10 members plus an ex officio NRC representative. The licensee would need to provide administrative support plus include local and state governments, site neighbors, citizen, environmental and public interest groups plus have these meetings open to the public.

I believe it is fine that a federal committee (FFERDC) of 40 members developed this recommendation for the U.S. EPA. However, I seriously question how most licensees would be able to assemble such an idealistically composed committee on a timely basis. Perhaps a large licensee or a nuclear power plant would be able to assemble, coordinate and pay for such a committee, but what about the smaller licensees (of which there are many) who can barely afford decommissioning, much less sorting through likely conflicting advice from such a diverse advisory committee, with some members probably searching for the foggiest idea of what they are talking about? There needs to be flexibility for smaller licensees. For larger licensees, "appointing" such a committee is almost unfair in comparison to smaller licensees, because the larger firms have generally greater political and community influence and contacts. It seems the NRC or a third party should appoint most of the committee members in the case of larger licensees, especially when potentially higher radiation levels are involved.

5. RADIOLOGICAL CRITERIA

In the "Radiological Criteria" section on page 45 of the draft, it states that the "Commission will publish specific guidance on acceptable methods which can be used by the licensee." Other sections of the draft also mentioned that specific guidance is forthcoming. With the final rulemaking scheduled for consideration by the Commission in May, 1995, there is a great deal of guidance to be developed and considered yet, not to mention adequate development of the final proposed rule.

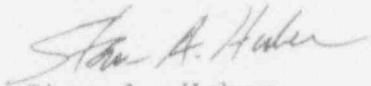
10CFR20 and its existing array of supporting regulatory guides is

already unwieldy. Adding another large section to Part 20 with additional separate guides will further complicate the overall issue of radiation safety and move farther away from the ability of perhaps the majority of nuclear licensees to absorb, sort through and comprehend. The licensees do not spend full time researching health physics or developing regulations or they would not be in existence. I simply mention these facts from 27 years of field experience with hundreds of different types of nuclear licensees. I ask that the NRC consider the practical need to consolidate and simplify the regulations for easier understanding and compliance with regulations and enhancing radiation safety in the process.

For example, when I hear that the NRC found zero percent (0%) adequacy of Quality Management Plans (QMP's) submitted by all medical licensees, that does not tell me that the medical people are necessarily all stupid, but it does tell me the NRC missed its mark in a big way in communicating with those licensees. I hope the same does not happen with the new 10CFR20 and these decommissioning criteria.

Thank you for your consideration of these comments.

Sincerely,



Stan A. Huber
President

SAH: ac

cc: E-5 Committee CRCPD