

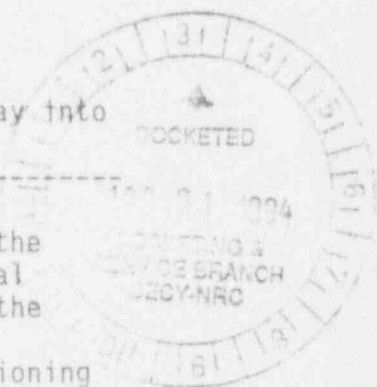
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From : JIM HARDEMAN (59FR4868)
To : ALL
Subject : State of Georgia Comments
Read : [N/A]
Conf : 000 - Comments on Decomm. Rule

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NOTE TO SYSOP: Please make sure that these comments make their way into the docket for the draft decommissioning rule.



The Program Managers of the Environmental Radiation Program and the Radioactive Materials Program of the GEORGIA Department of Natural Resources (DNR), Environmental Protection Division (EPD) submit the following comments regarding the draft decommissioning rule. Our comments are submitted with the understanding that the decommissioning of Agreement State licensees will be under the jurisdiction of the state, and that we may desire to adopt similar regulations for our licensees.

The definition of "Residual Radioactivity" in 20.1003 includes "radioactive materials ... discharged from the site in accordance with 10 CFR Part 20". This provision is not discussed in the Statement of Consideration, as is the similar provision for "radioactive materials remaining at the site as a result of previous burial at ... the site in accordance with 10 CFR Part 20". We recommend that the Statement of Considerations include a discussion of radioactive materials discharges, including precipitation and reconcentration issues.

Section 20.1405(a) states that the NRC will consider a request for license termination under restricted conditions if "the licensee can demonstrate that further reductions in residual radioactivity necessary to comply with the provisions of 20.1404 ... would be prohibitively expensive ... ". Who would make this determination, and by what means?

Our interpretation of section 20.1401(c) is that it does not provide sufficient assurance to licensees regarding the finality of decommissioning actions. We suggest that 20.1401(c) should read as follows:

"(c) Once a site or facility has been decommissioned, released for unrestricted use, and the license terminated in accordance with the criteria in this rule, the Commission will not require additional cleanup. For decommissioning actions completed prior to [effective date of the rule], the Commission may require additional cleanup only if, based on new information, it determines that residual radioactivity remaining at the site could result in significant public or environmental harm."

Although our proposed language appears to prohibit NRC from ever revisiting decommissioned facilities, one can argue that if significant hazards to public health and the environment are discovered after the decommissioning, then the original decommissioning did not in fact comply with the criteria of the rule. This language will hopefully avert the "never time to do it right, always time to do it over" philosophy.

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Our reading of section 20.1406 of this proposed rule indicates that NRC will be making public notification upon receipt of decommissioning plans from all licensees, including those for which the potential for contamination is extremely small (e.g. a sealed source licensee which has never experienced contamination or a leaking source, users of short-lived radionuclides, etc.) We feel that this policy is unwise, given that public participation and notification were not provided prior to the issuance of most licenses. The NRC should only require public notification if the licensee's decommissioning plan indicates that activities other than routine housekeeping measures will be required for unrestricted release in accordance with the proposed rule.

It is imperative that there be complete agreement between EPA standards and NRC rules in this area, to prevent double jeopardy on the part of licensees. Such agreement will also make the rules and standards less difficult for those of us who will be required to implement them.

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