



BP CHEMICALS

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(59FR 4868)

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VIA OVERNIGHT MAIL OFFICE OF SECRETARY
DOCKETING SERVICE

Samuel J. Chilk, Secretary
United States Nuclear Regulatory Commission
Washington, D.C. 20555

March 10, 1994

Dear Mr. Chilk,

On February 2, 1994, the Nuclear Regulatory Commission (NRC) published in the Federal Register a notice of availability of, and opportunity to comment on, a draft proposed rulemaking, as part of the NRC's "enhanced participatory rulemaking" to codify uniform radiological criteria for the decommissioning of NRC licensed facilities, 59 Fed. Reg. 4868 (1994).

BP Chemicals is the holder of NRC License No. SUB-908 and is currently in the process of decommissioning its facility in Lima, Ohio. Since we have had extensive experience in site characterization, decontamination, remedial planning, and remedial action, we welcome the opportunity to provide comments on the Staff's proposed Radiological Criteria for Decommissioning. Our overall comments are included with those of the Fuel Cycle Facilities Forum, sent to you separately. However, based on the specific knowledge gained in our own decommissioning efforts, we offer the following comments on the proposed rule.

Under paragraph 20.1402 of the proposed rule, the NRC can terminate a license and release a site for unrestricted use, or it can release a site with restrictions on its use, provided certain conditions are fulfilled. One of the conditions, as specified in paragraph 20.1402 (4), is that the licensee demonstrate the TEDE from residual radioactivity will not exceed 100 mrem per year even if the restrictions were no longer effective. The Fuel Cycle Facilities Forum has commented that the TEDE limit for the case where the restrictions are no longer effective should be determined separately for each site, and BP Chemicals supports and endorses this position.

BP Chemicals is of the view that the concept of a separate TEDE limit for contingency cases should be extended to the Staff's consideration of decommissioning that results in license termination without restrictions. To illustrate the point, consider the decommissioning proposal BP Chemicals submitted to the NRC. It provides for on-site disposal of radioactive materials under the provisions of Option 2 of the 1981 Branch Technical Position, SECY-81-576. It is our understanding that the Staff will require that the site be analyzed for the case where the cover isolating the contamination is not present, even though the cover has been designed to last for 1000 years. Since this case assumes that the physical restriction placed on the site is no longer effective, we submit that the same TEDE limit described above for the case when an institutional restriction is removed, should be applied here.

BP Chemicals also notes that in the discussion of the critical group on Page 48, the Staff indicates that the critical group to be considered in the restricted use situation would be different from that considered in the unrestricted case. The example given in the discussion refers to a deed restriction that prohibits farming as the basis for different exposure characteristics that could lead to larger quantities of radioactive materials allowed to remain on site. BP Chemicals believes that physical restrictions such as fencing in an industrial area, closure cell construction, site markers, etc., should also be used to limit the makeup of the

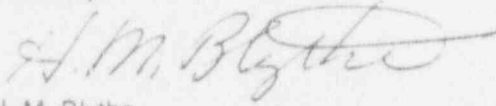
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critical group. There is no logical reason to consider the farm family scenario in situations where the physical settling of the site makes it unrealistic.

We appreciate the opportunity to comment on these matters of importance to the decommissioning process. We look forward to discussing them further as this rulemaking process continues.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. M. Blythe".

H. M. Blythe
Manager - Health, Safety & Environment