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March 10, 1994
Fort St. Vrain
Unit No. 1
P-94027

Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Docket No. 50-267

SUBJECT: COMMENTS ON STAFF DRAFT FOR DEVELOPING
RADIOLOGICAL CRITERIA FOR DECOMMISSIONING

Dear Mr. Chilk:

Public Service Company of Colorado (PSC), owner and operator of the Fort St. Vrain Nuclear Station, submits the following comments in response to the Federal Register notice (February 2, 1994, 59 Fed. Reg. 4868) announcing availability of the staff draft of a proposed rule on radiological criteria for decommissioning, and requesting comments. PSC is fully supportive of the enhanced public participatory workshops held around the country to get early input on this important issue, and is pleased to submit constructive input based on our experience in performing decontamination and decommissioning at the Fort St. Vrain Nuclear Station.

1. PSC considers that it is imperative for the NRC/EPA to develop and issue the several guidance documents referred to in the staff draft. Based on our experience, it is impossible to proceed with prudent planning for decontamination and decommissioning activities without suitable guidance in place. We believe that in the absence of such guidance, licensees will elect to postpone site cleanup and release, which would almost certainly run counter to the stated objectives of all parties that residual contamination be cleaned up as soon as possible. Specific areas where guidance is greatly needed include the definition of the average individual in the critical population, scenario development and evaluation, and the use of risk/cost analyses.

DOCKET NUMBER
PROPOSED RULE PR 20

DOCKETED (59 FR 4868)
USNRC

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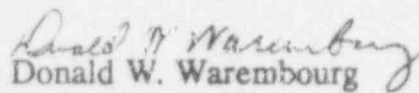
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2. PSC continues to believe that the staff draft and final rulemaking should follow the recommendations of national and international standard setting bodies, and incorporate a limit of 100 mrem per year to members of the public. This limit is currently established in the revised 10 CFR 20, is recognized in the staff draft, and should be applicable to all portions of the operating history for a facility, including the decommissioning phase. Sufficient epidemiological data exists to demonstrate that exposures on the order of 100 mrem per year result in acceptably low risk to the members of the public. Regardless of the value ultimately chosen as the limit, however, PSC feels strongly that a numerical goal should not be incorporated in the rule.
3. The final rule should include a limit only, not a limit and a goal. By establishing a numerical goal in the staff draft, the NRC staff has ensured that the goal will be interpreted as the limit, with the inherent uncertainty about what really constitutes the limit. NRC will be held up to intense scrutiny if a facility is released without meeting the goal, and the licensee will be subject to negative public reaction and the possibility of litigation if the goal is not met. Our experience in planning for the decommissioning of Fort St. Vrain is that clearly defined limits are a prerequisite to initiating serious planning for decommissioning activities. The presence of a goal and a limit in the final rulemaking will result in confusion and conflict as licensees begin to make their decisions with respect to decommissioning alternatives.
4. PSC is fully supportive of early involvement on the part of the general public and we have used this principle both in the decommissioning of Fort St. Vrain and in the construction of our Independent Spent Fuel Storage Installation (ISFSI). These efforts notwithstanding, we are concerned about the function of the Site Specific Advisory Board (SSAB) as referenced in section 20.1406(b). We feel that the SSAB should be convened only in the event that the limit contained in the final rulemaking will not be met. As currently written, it appears that the SSAB must be convened even in the event that the limit is met but the goal is not. Use of the SSAB in cases where the limit is met appears to be counter productive to the goals of a cost-effective and efficient decommissioning. Alternatively, the SSAB could be removed from the staff draft and incorporated into applicable NRC review documents, subject to the demonstration of sufficient local interest to justify creation of the SSAB.
5. PSC agrees with the staff draft that provisions regarding the minimization of contamination are more appropriately located in Parts 30, 40, 50, etc, where they more logically fit with other required licensing activities. In fact, these requirements could quite easily be incorporated as conditions to licenses for using radioactive materials.

6. PSC is supportive of the "grandfather" clause, whereby licensees with an NRC-approved decommissioning plan as of the effective date of the rule are not subject to the rulemaking. The rulemaking should be clarified to state that once a site has been decommissioned and the license terminated "in accordance with the criteria in this proposed rule or in a previously NRC-approved decommissioning plan", only certain criteria can be used to justify additional cleanup.
7. In section 20.1402, the reference to instrument capabilities as an example of not being able to clean up a site to a level indistinguishable from background should be deleted. This is an inappropriate example.
8. The wording in section 20.1404 is confusing, as it is not clear if both conditions (1) and (2) need to be met. These 2 sections appear to be conflicting in nature.
9. The wording in section 20.1406 (b) needs to be clarified; we suggest that the context be changed to be placed in a positive sense, i.e., where a licensee proposes to incorporate restrictions on future site use, not where the licensee does not propose to meet the conditions for unrestricted release.

In conclusion, PSC supports the development of rulemaking on radiological criteria for decommissioning in the belief that much of the uncertainty currently surrounding the decommissioning process can be eliminated. A consistent approach to this important issue by all involved regulatory agencies will go a long way toward reestablishing confidence and credibility in the minds of the public and licensees. We trust these comments will be valuable to you as you develop the final rulemaking. If you have any questions regarding these comments, please contact Mr. M.H. Holmes at (303) 620-1701.

Sincerely,


Donald W. Warembourg
Decommissioning Program Director

DWW/FJB:bj

cc: Regional Administrator, Region IV