March 9, 1994
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(46)

Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555

ATTN: Docketing and Service Branch

COMMENT
DRAFT RADIOLOGICAL CRITERIA FOR DECOMMISSIONING

As a participant in the Washington, DC workshop of the ERROR proceeding I submitted a comment for the Sierra Club. The other signers were Judith Johnsrud and Mary Sinclair. I suggest reference to this document if the rationale of any of the following comments appears to need clarification.

The absence of comment on any paragraph in draft Part 20, Subpart A is indicative of agreement.

20.1003 Definitions

Critical Group. The critical group concept locks regulation in to contemporary demographics. Our maximum acceptable hazard concept is not population dependent. We recommend 3 mrem per year.

Decommissioning should only be made for unrestricted use and termination of license.

20.1402 Concepts

The goal should be a maximum hazard of 3 mrem per year. The problems with "average member of the critical group" are many. The number in the group is neither predictable nor controllable. There is a great variety of distributions which may have the same average. To give an extreme example, if all members of a critical group received a 1 mrem dose, except the most exposed who received 25,000 mrem, it would be possible to meet the 3 mrem regulation for a large enough group. Even if the NRC decides to go with the critical group concept it needs to better define it in terms of distances, periods of proximity, and range of doses.

The limit corresponds to the "maximum acceptable hazard" foregoing. Except that we would rather see it 3 mrem TEDE than 15 mrem.

The word "reasonable" is used frequently. Who will decide what is reasonable? The licensee? The contractor? NRC staff? A local person? EPA staff? An environmentalist? An SSAB? The

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courts? There's too much unresolved. The regulation should be in specifics, in quantification.

Where there could be a maximum hazard of up to 100 mrem in unrestricted access a different approach than attempted restriction is called for. Require shielding. Unattractive, difficult to remove shielding. A rock pile; an accumulation of concrete; a mound of earth; the sort of thing that is being considered for llrw facilities. It's not that costly.

You heve no assurance that any institutional controls can be devised which will see long half life materials decay from a 100 mrem TEDE to 3 mrem, or 15 mrem.

Please delete "normally" as employed in the last paragraph on p. 71. It is an invitation to less scrupulous licensees to have counsel demonstrate that their case is not normal

20.1404 Radiological Criteria for Unrestricted Release

(a)(2) and (b) The "average member" problem again.

20.1405 Criteria for License Termination Under Restricted Conditions

(a) Deciding what is "prohibitively expensive", as with "reasonable" gets us into subjective and almost certainly expensive litigative territory.

(b) Glad to see you anticipate law suits. Institutional control will not be popular with industry because it can go on indefinitely yielding no earnings. Better a one time charge for covering it up.

(c) Please delete alternative (iii). Statements of intent will in some cases require enforcement and we are back in court.

(d) See foregoing for "average member" of "critical group" and a TEDE of 100 mrem per year.

20.1406 Notification and Public Participation and

20.1407 Site Specific Advisory Board

The NRC <u>should</u> closely monitor and review the formation of SSAB's. Not to do so is an invitation to discord and litigation. Much cheaper and quicker to do it fair in the first place.

Sincerely,

Jesse L. Riley
Sierra Club