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Florida Power Corporation

OFFICE OF SERVICE
DOCKETING

DOCKET NUMBER
PROPOSED RULE PR 20
(59FR4868)

68

March 14, 1994
NS94-0043

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

Attention: Docketing and Service Branch

SUBJECT: Comments on the Staff Draft for Developing Radiological Criteria for Decommissioning

Dear Mr. Chilk:

Florida Power Corporation would like to offer the following comments on the draft proposed NRC site cleanup standards in response to the Federal Register notice (February 2, 1994, 59 Fed. Reg. 4868).

1. We strongly object to the concept of a goal that is so specific in nature that it could become a defacto limit and/or perceived as a requirement.
2. We believe the projected costs of meeting the proposed site cleanup standards will be much higher than potential improvement in public health and safety. The draft proposed rule, therefore, conflicts with Presidential Executive Order 122866, September 30, 1993, "Regulatory Planning and Review", which requires that federal agencies be responsible for avoiding exorbitant resources being expended on marginal or negligible improvements in public health and safety.
3. The proposed cleanup levels are approximately an order of magnitude more restrictive than existing environmental radiation standards in the State of Florida, and are also significantly more restrictive than national and internationally recommended levels.
4. The standards should be established with "finality", and therefore the proposed requirement to notify local interest groups of the intended decommissioning plan or to form "Site Specific Advisory Boards" is an unworkable concept which is an open invitation to further review and revision of the standards with no endpoint.

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LINE ITEM COMMENTS

1. 20.1402, "Concepts"

Goal

The NRC proposal for site cleanup standards includes a stated "goal" and a "limit". However, the NRC's stated "goal" for decommissioning a site should not be "to reduce the concentration of each radionuclide which could contribute to residual contamination at the site to a level which is indistinguishable from background". This is entirely too restrictive a "goal" for two reasons:

- a. licensee's will be expected to meet the goal, and therefore the goal becomes a defacto limit;
- b. the goal should not be established on a per radionuclide basis.

Justification

If nuclear plants "did not meet the goal", public and/or anti-nuclear opinion could result in a very negative impact on both the licensee and on the NRC. Public outrage could be generated to the point, similar to BRC, where Congress could be influenced to re-direct the NRC to require that the "goal was met". In other words, the NRC "goal" could easily become the "defacto limit" in spite of other provisions (release limits) of the site cleanup standards.

The draft NRC proposed definition of the "goal" includes the words "each radionuclide". If a goal has to be included, it should be in the statement of consideration, not in the regulation. In discussion of any goal, the goal should be based on safety and potential risk, and not linked to a criteria such as "each radionuclide".

Suggestion

If the NRC must define a "goal", the new definition should be "to remove the facility safely from service and reduce residual radioactivity to a level that is safe and as low as reasonably achievable, which permits further use of the property in a safe manner".

However, we do believe it is appropriate to define a lower threshold screening value of dose, below which ALARA is automatically defined as having been achieved. This value should be the 25 mrem value recommended by the ICRP and NCRP.

Limit

The NRC proposed limit for release of a site is 15 mrem/y with residual radioactivity reduced to as close to the goal as reasonably achievable. This is significantly less than the values of 100 mrem/y from all sources and 25 mrem/y for a single source recommended by ICRP and NCRP. As an additional point, we note that the State of Florida has established "Environmental Radiation Standards" for the public from excessive radiation exposure from naturally occurring radioactive materials. This standard (10D91.1104, State of Florida) is 20 uR/h, where the normal background level of gamma radiation in buildings is 6 uR/h. The State of Florida therefore currently allows public facilities a maximum dose rate above background of 14 uR/h, or -120 mrem/y.

The NRC proposed site cleanup standard of 15 mrem/y limit above background and 3 mrem/y ALARA threshold level are approximately an order of magnitude more conservative of the State of Florida environmental standards which are applicable to our schools, libraries, etc. Why should nuclear power plant decommissioning site clean up standards, applicable to a small population group, be a factor of 10 lower than State of Florida public environmental levels applicable to the millions of people in the State of Florida? It is obvious that the standards should be set no lower than the standards recommended by the ICRP and NCRP; i.e., a 100 mrem/y limit and a 25 mrem/y screening level, below which no further demonstration of ALARA is required.

3. NRC Supplementary Information [Statement of Consideration], pg 21, last line

The statement of consideration provides for state and local governments to have an opportunity to participate in individual decommissioning actions. However, the state and local governments should be told that decommissioning and site cleanup regulations are an NRC Division I issue where state governments are required to follow NRC regulations without modifying the NRC's intent (i.e., states should not be able to set more restrictive standards).

Justification

In order to achieve consistency in regulations and standards that can be considered "rinal" standards that motivate licensees to perform decommissioning and site cleanup, finality of regulations is an important issue (also see comment No. 9).

4. 20.1402, 3rd paragraph, item (1)

The phrase "technically achievable, would not be prohibitively expensive, or would result in net public or environmental harm" should be replaced with "reasonably achievable; i.e., would not be prohibitively expensive and would not result in net public or environmental harm".

Justification

The phrase "technically achievable" is open ended, whereas "reasonably achievable" would be bounded by the ALARA process. The phrase "would not be prohibitively ..." should be a qualifier to the main part of the sentence on what "reasonable" implies.

5. 20.1403(a) should be replaced with "when calculating TEDE, the licensee shall base estimates for the annual time period when the greatest annual TEDE dose is expected...".

The sentence "Estimates shall be validated using actual measurements to the maximum extent practical" should be deleted.

Justification

The inclusion of the phrase for the annual time period pins down the sentence so that it can be interpreted that a licensee is responsible for identifying the annual period with the highest doses and then performing analyses for that period.

The second sentence is unclear and adds no additional value in the regulation. This process of validating licensee measurements and dose calculations is better addressed in the proposed regulatory guidance discussed in the supplemental information.

6. 20.1405(a) Same change as 20.1402 above.
7. 20.1405(b) The ending phrase "or in a court of law in response to suits by affected parties; and" should be deleted.

Justification

Legal suits are always available to any party.

8. 20.1405(c) should also include a reference to 10 CFR 50.75.

9. 20.1406 and 20.1407 should be deleted.

Justification

The NRC is providing the public with "enhanced participatory rulemaking" opportunities to influence/effect the site cleanup rule. Based on this input, acceptable public standards are being promulgated. Licensees have the responsibility of performing the decommissioning in accordance with applicable standards and the NRC has the responsibility to ensure it is done properly. There is no need to further complicate the decommissioning process by essentially asking for further input at the time of decommissioning when the standards have already been established. Authorizing "another look" at the decommissioning standards would create a "lack of finality".

10. 20.1408(c) The sentence should read "... within three years of the effective date of this rule, ~~incorporate into~~ ensure that its radiation protection program includes procedural modifications requirements ...".

Justification

Nuclear power plant licensees generally already have in place procedural requirements for contamination control and minimization. The regulation should not infer that nuclear power plants have been negligent in controlling contamination.

11. 10 CFR 50.2 The definition of "decommission" in Part 50.2 needs to be changed to be consistent with the new Part 20 definition.

GENERAL COMMENT

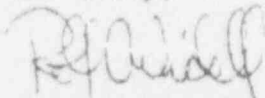
NRC Supplementary Information [Statement of Consideration], pg 31, Section 10, 2nd paragraph

Although the NRC does not have authority over expenditure of funds that might be saved by avoiding "unnecessary decommissioning activities", they should state that the NRC recognizes that promulgating regulations which require unnecessary or inappropriate fund collection and expenditures is an undesirable burden on the public (reference: Executive Order 122866). The public should be allowed to make their own choice of capital expenditures (which would be available if unnecessary fund collections were not required). Some of these public expenditures could then be directed at more viable improvements in public health and safety which may not be made if collection of additional decommissioning funds were required.

Mr. Samuel Chilk
Secretary of the Commission - USNRC
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If you have any questions or wish to discuss any of these recommendations, please contact Steven M. Garry, Corporate Health Physicist, at 904/563-4777.

Sincerely,



Rolf C. Widell, Director
Nuclear Operations Site Support

SMG:mag

Att.

xc: P. M. Beard, Jr.
S. M. Garry
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