

Clean Water Fund of North Carolina

Asheville Office: 29 1/2 Page Ave Asheville, NC 28801 • 704-251-0518
Raleigh Office: P.O. Box 1008 • Raleigh, NC 27602 • 919-832-7491

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

85

Donald Cool
Radiation and Health Effects Branch
Division of Regulatory Applications
Office of Nuclear Regulatory Research
US Nuclear Regulatory Commission
Washington DC 20555-0001

DOCKET NUMBER
PROPOSED RULE PR 20
(59FR4868)

7 March 1994

Dear Dr. Cool:

Thank you for sending the draft of the Commission's proposed radiological criteria for decommissioning.

The Clean Water Fund of North Carolina is concerned by several aspects of the proposed rule. As we understand the proposal, the Commission:

- (1) will never require decontamination beyond the stated individual dose goal of 3 mrem/year above local background;
- (2) will routinely consider termination of a license and the release of a site for unrestricted use once decontaminated to the stated individual dose limit of 15 mrem/year above local background;
- (3) will routinely consider termination of a license and the release of a site for restricted use once decontaminated to the

stated individual dose limit of 100 mrem/year above local background; and

(4) will consider termination of some licenses and the release of some sites for either restricted use or unrestricted use even if the site has not been decontaminated to the stated individual dose limit of 100 mrem/year above local background.

CWF-NC is concerned that the Commission may have weakened its existing decommissioning standards by retreating from the ALARA concept. However negligible a cumulative 3 mrem/year dose may seem, the goal of such a dose to an "average" member of the critical group does not appear to preclude the possibility of substantially higher doses to actual members of the public. It could be very important to prevent careless application of this 3 mrem/year goal, due to unrealistic modelling or inadequate radiological surveying. We therefore suggest that the proposed rule be modified to adopt as a decommissioning goal a maximum cumulative 3 mrem/year dose to any member of the public.

CWF-NC is also concerned that the Commission may have weakened its existing decommissioning standards by establishing maximum and minimum dose ranges for site remediation. The proposed rule appears to assert that sites are eligible for decommissioning at the 15 mrem/year level provided the Commission decides that the remediation meets an ALARA standard. Stated in combination with this dose limit, the ALARA standard may lose much of its power: future members of the Commission may tend to read the ALARA standard and the 15 mrem/year limit as approximate equivalents unless the rule clearly and explicitly states

that the 15 mrem/year limit is not intended as either synonym or a substitute for ALARA remediation. CWF-NC is also concerned that the 15 mrem/year level is not sufficiently conservative, since it might reasonably be expected to raise the rate of radiation-induced cancers in the critical population by about 10%.

CWF-NC is also concerned that the Commission may have weakened its existing decommissioning standards by allowing license termination with land-use restrictions at levels from 15 mrem/year up to 100 mrem/year or more: thus, the proposed rule appears allow for the doubling of background levels. The proposal may not clearly address the circumstances under which the Commission would terminate a site license with residual levels beyond 100 mrem/year, a possibility which we would like excluded and which (in any case) should be more severely circumscribed. The CWF-NC believes that license termination with land-use restrictions may merely transfer all site liability from the licensee to another institution -- and ultimately through some branch of government to the taxpayers. We therefore oppose the provision. However, if the Commission is determined to adopt such a rule, the regulation should be written in a narrow and restrictive manner, to limit the cases in which this alternative is applicable, in order to prevent future abuse and misuse. We do not regard "prohibitive expense" as an appropriate test -- it offers too convenient an excuse for delay in expending funds for remediation -- and we believe that the Commission may need to investigate other approaches to the problems created by licensees who indefinitely postpone clean-up.

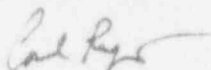
CWF-NC also believes that the maximum possible population dose -- which is the correct measure of the

potential morbidity and social cost associated with the action -- should be considered whenever a facility is proposed for restricted release.

While we support in principle the concept of a Site Specific Advisory Board, we are concerned that the SSAB could be a creature of the licensee, without meaningful independent existence, and we believe that regulatory guidelines may be necessary to enforce the accurate representation of a cross-section of the public on the SSAB.

CWF-NC also intends to comment on the final draft.

Sincerely,



Dr. Carl Rupert
Research Director, Raleigh Office
Clean Water Fund of North Carolina