



Idaho National Engineering Laboratory

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(59 FR 4868)

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March 18, 1994

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

The Secretary of the Commission
U.S. Nuclear Regulatory Commission
Attn: Docketing and Service Branch
Washington, DC 20555

RADIOLOGICAL CRITERIA FOR DECOMMISSIONING OF NRC-LICENSED
FACILITIES; ENHANCED PARTICIPATORY RULEMAKING, AVAILABILITY OF THE
STAFF'S DRAFT OF THE RULE - PDW-52-94

Dear Sir:

In response to your Federal Register notice of February 2, 1994, requesting comments on the subject rulemaking, the National Low-Level Waste Management Program (NLLWMP) offers the following for your consideration.

You state on page 20 of your Proposed Federal Register Notice that, "The proposed rule would also establish a dose limit for release of the site of 15 millirem per year (mrem/y) total effective dose equivalent (TEDE) for residual radioactivity distinguishable from background... Fifteen mrem/y TEDE is consistent, in terms of risk, with the NRC release limits for low-level waste facilities (10 CFR 61.41)..." We understand that an exposure of 500 mrem/y limited to the thyroid from I-129, for example, would be equivalent to a 15 mrem/y TEDE exposure. This does not appear to be consistent with the limit of an annual dose equivalent of 75 mrem for the thyroid as set forth in Section 61.41 of 10 CFR Part 61.

There also appears to be additional inconsistencies in the proposed radiological criteria for decommissioning licensed facilities and decommissioning low-level radioactive waste (LLW) disposal facilities under 10 CFR Part 61. For example, the proposed rule states (on page 71) that the Commission will consider terminating a license in cases where restrictions must be imposed on the use of the site provided the licensee has, among other things, (1) made adequate provisions for institutional controls over the site, and (2) reduced the residual radioactivity at the site so that the TEDE to members of the public from residual radioactivity would not exceed 100 mrem/y if the restrictions applied in the termination were no longer effective. With regard to the institutional controls in the proposed rule, these controls appear permanent without any time limitations. Notwithstanding the 100 mrem/y TEDE limit of exposure to an individual absent the institutional controls, it appears that some additional consideration on the time that the institutional controls are required may be



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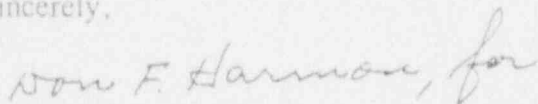
warranted. In 10 CFR Part 61, for example, the Commission determined that it was inappropriate to impose institutional controls at a decommissioned LLW disposal facility for more than 100 years. With regard to the 100 mrem/y TEDE limit, we understand this to be equivalent to an exposure of 3334 mrem/y if limited only to the thyroid from I-129, for example. Again, this does not appear to be consistent with the 75 mrem/y thyroid decommissioning limit in Part 61.

We also note that current NRC staff calculations projected doses out to 1000 years in the future in evaluating radiological impacts associated with residual radioactivity (page 58). We are unaware of a specified time period for calculating projected maximum doses in 10 CFR Part 61. However, it is our understanding that doses are projected out to several thousand years by the NRC staff in their performance assessments for determining compliance with the dose limits in Part 61. This also appears inconsistent with the proposed radiological criteria.

We further note that the proposed regulation would require a licensee to convene a Site Specific Advisory Board (SSAB) for sites where the licensee does not propose to meet the conditions for unrestricted release pursuant to proposed Section 20.1404. The purpose of this SSAB is to, among other things, provide advice to the licensee, as appropriate, on whether there are ways to reduce residual radioactivity to a level necessary to comply with the provisions of 20.1404 which are, "technically achievable, would not be prohibitively expensive, and would not result in net public or environmental harm." First, we believe removal of all residual radioactivity is "technically achievable" although it may be impracticable. Some amended wording may be necessary here. Second, we question whether it is possible in today's world for a licensee proposing to exceed the limits for unrestricted release of a site to convene a qualified, objective board having the membership specified in the proposed regulation. We believe this is especially questionable insofar as convening local representatives having "expert knowledge" of technical methods for reducing residual radioactivity, including expert knowledge of related costs for such reductions.

We hope the above comments will be helpful and useful in this very difficult and important matter.

Sincerely,



Philip D. Wheatley
National Low-Level Waste Management Program

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Enclosure:
As Stated

cc: Raymond Pelletier, DOE-HQ
Ronald H. Sandwina, DOE-ID, MS 1118

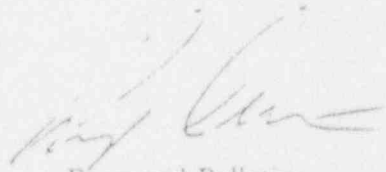
memorandum

DATE February 4, 1994
REPLY TO ATTN OF Raymond Pelletier, Office of Environmental Guidance, EH-23
SUBJECT Draft Radiological Criteria for Decommissioning

TO Distribution

Attached for your review is a copy of an Nuclear Regulatory Commission staff draft of criteria for decommissioning nuclear facilities. The Environmental Protection Agency is also considering setting criteria. Comments made on the proposed NRC standards may influence EPA's development of standards applicable to DOE facilities.

We have been requested to have comments back to the NRC in the beginning of March, consequently, we would appreciate your comments to us by **COB March 4, 1994**. If you have any questions this document, please contact Hal Peterson (202-586-9640) or Andy Wallo (202-586-4996).



Raymond Pelletier
Director
Office of Environmental
Guidance (EH-23)

Enclosures: NRC draft rule

NLLWMP

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 John Yates, LM-1
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 Alex Crawley, Bartlesville Project Office
 Thomas Wesson, Bartlesville Project Office
 Alexandra Smith, Bonneville Power Administration, AJ
 Thru: BPA, RM 8G035
 John Ganz, Morgantown Energy Technology Center
 Joseph Martin, Morgantown Energy Technology Ctr
 Jim Killen, Naval Petroleum Reserves in California
 D. Miles, Naval Petroleum Reserves in Wyoming,
 Utah, & Colorado, Casper, WY
 Melvin Keller, Pittsburgh Energy Technology Center
 Earl Shollenberger, Pittsburgh Naval Reactors Office.

Thru: NE-60
 Andrew Seepo, Schenectady Naval Reactors Office,
 Thru: NE-60
 Jim Lloyd, Southeastern Power Administration
 Don Hayes, Southwestern Power Administration
 Melissa Smith, Strategic Petroleum Reserve Project Management
 Office
 Vicki Ponce, Western Power Administration
 Gerald Johnson, Manager, Amarillo Area Office
 (AAO)
 Larry D. Kirkman, Manager, Dayton Area Office (DAO)
 Earl Bean, Manager, Kansas City Area Office (KCAO)
 Kathleen Carlson, Manager, Kirtland Area Office (KAO)
 Jerry Beilows, Acting Manager, Los Alamos Area Office (LAAO)
 Richard E. Glass, Manager, Pinellas Area Office (PAO)
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 Arlen Hunt, Waste Isolation Pilot Plant Project Office (WIPP-AL)
 James Mewhinney, WIPP Project Office (WIPP-AL)
 A. R. Chernoff, Jr., Project Manager, Uranium Mill Tailings
 Remedial Action Project Office
 Kathleen Grassmeir, Yucca Mountain Project Office
 Paul K. Kearns, Manager, NREL, Golden Office
 Jeff Baker, NREL, Golden Office
 Nat Brown, SSCPO

cc: Other Organizations

National Low-Level Waste Management Program, EG&G Idaho
 Hazardous Waste Remedial Action Program, (HAZWRAP)
 Remedial Action Program Information Center
 EM Information Center