



U.S. Council for Energy Awareness

Suite 400  
1776 I Street, N.W.  
Washington, DC 20006-3708  
(202) 293-0770

Marvin S. Fertel  
Vice President, Technical Programs

FAX (202) 785-4113  
(202) 785-4019

February 15, 1994

Ms. Joan Higdon  
Mail Stop 4E4/WFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Ms. Higdon:

The attached comments are submitted by the U.S. Council for Energy Awareness on behalf of its Facility Operations Committee (FOC). These comments were generated as a result of participation in the series of public meetings over the past few months between fuel cycle licensees, NRC Staff and others to discuss the development of the acceptance criteria sections within a Standard Review Plan (SRP) document for fuel cycle licensees.

The FOC membership consists of the owners and operators of fuel fabrication facilities, conversion facilities, uranium enrichment facilities, material processing facilities as well as transporters and other related service and supply facilities. These members currently operate under licenses that are issued in accordance with 10CFR70, 10CFR30, and 10CFR40. It is our understanding that the new SRP's will be used principally for the 10CFR70 licensees. However, we also understand the NRC plans to use them as guidance for the Part 30 and 40 licensees as well. For the Part 30 and 40 licensees the sections on criticality control would not be applicable.

We would like to thank the NRC for conducting the public meetings and giving the licensees and the public the opportunity to provide input at this formative stage. We believe the meetings and dialogue were very helpful in understanding the NRC's reasoning behind specific points as well as the NRC's logic in identifying SRP acceptance criteria. We expect the dialogue will continue in an open and productive manner. We also expect to continue our review of proposed NRC changes to Parts 30, 40, 70, and associated guidance documents as part of the formal rulemaking process. The enclosed comments represent our initial comments on the SRPs and we look forward to further discussions of the SRPs as they continue to evolve.

The attached comments are on the specific SRPs for Radiation Protection, Fire Protection, Environmental Protection, Decommissioning Funding, and Waste Handling and Interim Storage.

If you have any questions on the attached specific comments, please call Felix Killar or myself.

Sincerely,

Enclosure

9403070213 940225  
PDR ORG NOMA  
PDR

**STANDARD REVIEW PLAN FOR RADIATION PROTECTION PROGRAM**

## General

This SRP is overly prescriptive, particularly by including detailed organizational reporting relationships. Rather than prescribe detailed reporting relationships the licensee should be required to demonstrate that the safety staff has appropriate authority to carry out responsibilities for establishing, implementing, and evaluating the radiation protection program. The qualification requirements for radiation safety management and professional and technical staff are unreasonably restrictive. For example, at the technician level the requirement for one year of uranium fuel facility experience is not reasonable. The only way such a requirement could be met is by hiring employees in a training capacity for at least one year. Similarly, health physicists should be considered as professional positions and not necessarily management positions. The requirement for the management position to be filled by an individual with two years of health physics experience at a uranium fuel fabrication facility is not considered necessary. The Management and Safety experience, without health physics experience may be more appropriate in many cases. Again, the NRC should require the licensee to explain the basis for their program and its staffing, organizational arrangements and not unduly specify prescriptive requirements.

This SRP addresses training program requirements. The proposed acceptance criteria that training program effectiveness be "continuously evaluated" could be misinterpreted, and if meant as written is certainly unnecessary and unrealistic. It would seem more appropriate for the acceptance criteria to require the licensee to have in place an evaluation process that will assess the effectiveness of the training programs. The licensee should define and discuss the program as part of the license application submittal.

The acceptance criteria sections refer to regulatory guides, BTP's, and ANSI standards. The implication is that the licensee must comply with regulatory guides, BTP's, and ANSI standards. This is a departure from current practice which acknowledges that guides are guides. This SRP requires some restructuring to clearly delineate between acceptance criteria and references to guidance documents.

This SRP also goes into too much detail on procedures. The prescriptive nature of the acceptance criteria on procedures appears to create so much extra paperwork that the maintenance of the paperwork system could become more important than implementing the system in the most effective way.

The SRP format for acceptance criteria should be consistent in using statements such as "the applicant shall commit to" rather than "the applicant shall provide" or "the applicants ... shall be evidenced by". The latter infers that these things will be provided as part of the application.

This SRP makes numerous statements to the effect that "limits shall be established", "criteria shall be established", "the licensee shall specify criteria for", etc. If the intent is to develop a guidance document that will lead to a standard review and a standard set of acceptance criteria for a license application, then these criteria and levels should be in accordance with 10 CFR 20.

## 5.2.1.B

Item (2) is worded such that one could infer that the application would contain procedures and methods. The wording should be changed to be similar to item (1) so that it is clear the application need only contain a commitment to provide procedures and methods. The adequacy of the procedures themselves would be subject to review as part of the NRC's inspection program, not as part of the license renewal application process.

### 5.2.I.C

The last paragraph of this section refers to a number of regulatory positions in Reg. Guide 8.8, which applies to ALARA at nuclear power stations. Those positions are later referred to throughout the SRP. Reg. Guide 8.8 per se should not be included in the SRP; only those specific ALARA requirements that are applicable to fuel cycle licensees should be actually included as references.

In the first paragraph, the phrasing "...radiation protection personnel interact, **in a continuous and timely manner**, with production personnel..." needs to be revised to "...radiation protection personnel provide production personnel timely information to ensure..."

In the second sentence, the description of the ALARA Committee is too prescriptive in its membership. Depending upon the organization at a given facility, the membership may not be appropriate. Also, in almost every case this function should be carried out by the Safety Review Committee. In fact, the SRP acceptance criteria should only require that the ALARA review function be effectively incorporated into the licensees formal management review and decision-making process, and that the licensee provide a description of how that is being accomplished.

The last sentence of the first paragraph is part of inspection and enforcement. It doesn't appear to be applicable to the application review.

In part (b), "... are being lowered in accordance..." should be changed to "...are being lowered **or maintained** in accordance..." This is in recognition of the fact that at some point one reaches diminishing ALARA returns from "lowering".

The second paragraph sounds like this should be part of an NRC inspection plan, not a license review plan.

### 5.2.II.C

In the third sentence, while we agree that the Radiation Safety Manager should have direct access to the Plant Manager, this should not be interpreted as meaning that direct reporting is required.

In the third paragraph, the education and experience criteria for a Radiation Technician and Radiation Safety Specialist are too restrictive. The criteria for a Radiation Safety Specialist would inappropriately preclude the hiring of a recent graduate with a B.S. in Health Physics. The criteria for a technician would probably be more reasonable if listed with an "or" rather than an "and", plus in part (a), it should not be required for a manager to have such experience. Instead, it should just be required to have this type of experience available to him since good health physicists are not necessarily good managers (and vice versa). (Note: criteria should also allow for equating/substituting experience with education where appropriate.)

### 5.2.III.B

The phrase "... using written, approved operating procedures **and** RWP to carry out..." should be changed to "... using written, approved operating procedures **or** RWP to carry out..." This is consistent with paragraph 2 of the following acceptance criteria.

### 5.2.III.C

This section is too prescriptive and should be removed, except for the first sentence in the first three paragraphs and the first two sentences in the fourth paragraph.

### 5.2.IV.C.3

Rather than a refresher session "once a year", we recommend that a refresher session every two years would be effective and also consistent with general industry practices.

#### 5.2.IV.C.4

The term "The effectiveness of the training program shall be continuously evaluated" needs better definition, or should more appropriately be deleted (as per comments under "General" comments.)

#### 5.2.V.B

The first sentence sounds like an enforcement activity. All other Review Procedures sections begin with words such as "The review should determine that..." This section should be written with a similar format.

#### 5.2.V.C

The acceptance criteria in this section are not clear. While several references are given, most of them are not endorsed by Regulatory Guidance. Ventilation system requirements historically have been inconsistently applied. This SRP will not clarify this situation for the future unless specific flow rates and pressure drops are established. This section also states that the licensee shall commit to systems operating in such a manner that the limits of 10CFR20 are not reached during normal operations. There are, however, no such limits in 10CFR20. If the DAC is being applied as a limit, this is a misuse of the DAC as occupancy time and resulting personnel exposure are the true indicators of acceptability.

In the second paragraph, instead of "...and the actions to be taken...", a statement to take corrective action should be enough.

#### 5.2.VI.C

Significant emphasis is placed upon air sample representativeness. This is only appropriate if fixed air samples are used to assign personnel exposures. "Representative sampling" should be qualified to apply to only those situations where exposures will be assigned from results.

This section states that the location of CAMs shall be described. This request should only apply if CAMs proposed by the licensee. In many cases other sampling methods might suffice in lieu of CAMS.

It seems unnecessary to describe the "calculation of airborne concentrations" in the license application. There is only one way to do it! Appropriately, other calculational methods are not required to be described.

The last sentence of the first paragraph, "...types of actions...", goes beyond air sampling.

For the last sentence in the first paragraph, see the ALARA section.

In the second paragraph, monitoring programs should be site wide and not for each work area. Again, the third paragraph implies that continuous air monitors are a requirement. We do not believe that is the case, or should be.

In the third paragraph, all that should be required is an evaluation to determine that CAM's are, in fact, necessary; then, if necessary, (etc).

In the last paragraph, we suggest using NUREG-1400 instead of ANSI N13.1-1969.

#### 5.2.VII.C.1

In the last sentence, "Instrument" should be changed to "Instruments".

#### 5.2.VII.C.2

Regulatory Guide 8.8 is an inappropriate reference for the scope of this SRP.

### 5.2.VII.C.3

The statement, "Specific limits shall be established for personnel contamination" is contrary to recent NRC practice in license review. Most applications now state that anything above "background" requires decontamination. If different limits are to be established, the SRP should explicitly state what they are. Otherwise, this issue is left to reviewer discretion, which is generally non-standard.

This section is too prescriptive and also is not very good health physics. Exposed areas of the body and clothing could become contaminated without contamination of the hands or feet.

### 5.2.VII.C.4

This section is overly prescriptive. For example hard hats should depend on the circumstances; in dedicated contamination areas shoes are preferable to shoe covers (to minimize contaminated waste).

### 5.2.VII.C.5

Replace "cleaning contaminated" in the first sentence with "ensuring the use of clean".

### 5.2.VII.C.7

This section is overly prescriptive. Most of the language should be put in Regulatory Guides. If not it should be removed and replaced with appropriate performance based statements.

### 5.2.VII.C.9

The receipt of uranium packages is exempt under new Part 20.

### 5.2.VIII

License applications should not include procedures. Commitments to establish procedures would be appropriate.

### 5.2.VIII.C

At the end of the paragraph, why are these limits set for the exchange of dosimeters? There should be an annual limit.

### 5.2.IX.B

Clarification of "...the criteria for determining when it is necessary to monitor an individual's internal exposure during work hours..." is required. Add "(4) the methods used to assign dose based on bioassay and/or air sampling.

### 5.2.X.C

The second paragraph states that "the licensee shall demonstrate..." This type of demonstration must be done on an on-going basis and reviewed by Regional Inspectors. It seems out of place in the application review process.

The last sentence of this section is a statement of fact but gives the reviewer no acceptance criteria. It should be deleted.

### 5.2.XI.A

The criticality alarm system is not part of the radioactivity measurement instrumentation and this section implies that it is.

#### 5.2.XI.B

The instrumentation program for emergency response is covered in the Emergency Plan and should be covered by that SRP and not be part of this SRP. Revise the next to last sentence to read "Instruments for measuring radiation or radioactivity must be suitable for the expected conditions." Delete the last sentence.

#### 5.2.XI.C

In the second paragraph, the part "...methods for calibration, the standards to be used..." contains too much detail for a license application.

In the last paragraph, change ANSI N16:2-1969 to ANSI/ANS 8.3-1986. Also, the last sentence has no basis for a fuel cycle facility.

## 8.0

### STANDARD REVIEW PLAN FOR FIRE PROTECTION

#### General

This draft SRP does not distinguish between existing and new facilities. This section as written places extraordinary demands on facilities which were designed and built over 20 years ago. The SRP needs a specific provision exempting existing facilities from the proposed new building design acceptance criteria. Application of any "new" design requirements to existing facilities should be the exception, rather than the rule. Existing facilities should be evaluated via the ISA, from which any NRC related fire protection requirements would be identified, evaluated and addressed. Standard configuration management processes would assure that any changes are done in accordance with current codes and practices.

Throughout this SRP vague references should be eliminated or clarified. Also, the SRP should use existing government regulations instead of adding new ones.

Rather than create another "program" (Fire Protection Program), this aspect of plant operations should be incorporated into existing plant operations where, realistically, it belongs. There is too much detail in this SRP, yet specific requirements can still be left to interpretation by different reviewers and licensees.

In general the breadth of reviewers seems too broad. Why should the application be reviewed by others than the license branch and Region?

From 8.2.A.1 on, the document is too detailed and looks like a Reg. Guide. The appendix is too prescriptive and care needs to be taken that it doesn't become a source of additional acceptance criteria.

Throughout the SRP and appendix, the criteria is not stated as exclusively applying to those areas of the facility where licensed activities are taking place. The application of the SRP criteria should be described as only applying to licensed process areas and adjacent non-licensed facilities where a fire could impact licensed activities. Again, the entire SRP should be linked to the results of the ISA.

The Fire Protection SRP chapter does not appear coordinated with other safety disciplines, where in reality it should be and would be through the ISA process.

For existing facilities which cannot be retrofitted to new construction fire safety standards, a fire hazards analysis should be performed to validate the facilities and processes as safe. A good facility/process change system should then be employed to maintain knowledge of the safety of the facilities and processes. Completely new fire hazards analysis for the whole facility should not be required any more often than every five years, though appropriate fire hazard analyses would be performed as necessary when changes to the facility or processes were made.

This SRP calls for numerous "license conditions" as the method for ensuring adequate fire protection. We strongly disagree with this approach and believe that the combination of an ISA, configuration management program and the adequate incorporation of fire protection into the normal operating and management processes at a facility are the primary ways fire protection safety will be achieved. The license condition for a fire protection program should be just that - a commitment to have one.

The discussion on pre-fire plans states that a list or location map should show all areas of concentration of radioactive material. NRC Safeguards Staff specifically required fuel cycle facility to eliminate such notations within our original Pre-Fire Plan. The NRC staff needs to resolve this apparent difference in regulatory philosophy.

## 8.1

In reference to the second paragraph, the reviewer should not be reviewing the detailed programs and procedures themselves. He/she should be looking for commitments from the licensee to have such programs, including the basis for the programs, and the general management of the program, not the details that would be normally reviewed as part of the inspection program.

The third paragraph is not part of the application.

### 8.2.A.1.b

It should be recognized that this could be one person part-time in a small plant. Also, remove the part "...day-to-day..."

### 8.2.A.1.c

In this section, the functions described could be more appropriately accomplished by the Plant Safety Committee rather than a special "Fire Safety Review Committee".

Although cited as an example, the frequency for meetings of the Fire Safety Review Committee of "monthly" is excessive. In our opinion quarterly meetings is adequate.

The statement "A practice shall also be established to inspect (walk-down) the facility at more frequent intervals, e.g. weekly..." is confusing. By its inclusion in the same paragraph and following statements about the Fire Safety Review Committee, one could imply that the FSRC is to perform the inspection. However, in comparing the draft SRP to the BTP on Fire Protection, the statement refers to the audits specified in section 2.2.a of the BTP. The bottom line is the frequency given as an example in the SRP, "e.g., weekly", is excessive. We agree with the BTP frequencies of monthly audits performed by the safety organization and annual audits performed by the FSRC or its equivalent.

### 8.2.A.1.d.2

Change to "Fire hazard analyses will be performed for change requests."

The frequency of biennial updates of the Fire Hazards Analysis documentation to integrate all changes made over the previous two years seems reasonable, though a complete update (i.e. reanalysis) of the FHA should not be required more frequently than every 5 years. It must be recognized that as changes to the facility or processes are made, the evaluation of the changes will include a FHA. This will be filed with the ISA for the changes. The regional inspection process should be aware of this file in addition to the FHA and should not issue violations to licensees because the FHA documentation doesn't reflect the changes in real time.

### 8.2.A.1.d.4

Remove "...fire brigade..."

### 8.2.A.1.d.6

Delete the whole section.

### 8.2.A.2.b

Change "The management **person** responsible..." to "The management **function** responsible..."



## 8.2.B

This section has too much detail. (Note: provide some examples or state "as detailed below.")

### 8.2.B.1

The "...described...demonstrated..." are not under the cognizance of the NRC and are covered by other regulatory bodies and insurance companies and should not be part of the NRC's regulatory responsibilities.

#### 8.2.B.1.a

The phrase "fire safe construction" should be defined. Building design and construction should be based upon the risk presented by the fire and alternative approaches such as fixed fire suppression. Early warning smoke detection should be permitted as alternatives to building construction requirements. This paragraph should be clarified to state that it only applies to process buildings as stated in 3.1 of the BTP. Life safety and property damage from a fire which is very important to the owner/operator, but which does not involve or threaten radioactive material is outside the scope of the NRC's regulatory responsibilities.

#### 8.2.B.2

This section is beyond NRC concern in the SRP.

##### 8.2.B.2.b

Item (4) describes the removal of fire products from the building such that these products are not routed through other parts of the building. In fuel fabrication facilities, the exhausts go through HEPA filters, which can plug. The implication is that an elaborate system to remove particulates from the exhaust, in addition to the HEPA filters, must be added. Such a system would be prohibitively expensive and unnecessary. Because the whole facility would be evacuated in the event of a fire, the use of the HEPA filtered exhaust systems of other parts of a facility as backup would adequately provide for safety.

In item (5), "Elimination" should be changed to "Control". Elimination is not practical and may not be warranted based on the risk presented by the fire.

##### 8.2.B.2.c

Item (3) suggests the need for dikes to contain liquids. Industry experience indicates that in many cases the industrial safety hazards introduced by dikes (e.g. tripping) outweigh the benefits of their purpose. Flexibility should be maintained within the SRP with regard to the use of dikes.

##### 8.2.B.2.d

Item (3) states that fire extinguishers should be deployed throughout the facility without regard to any other fire suppression system, yet in the same paragraph says that applicable NFPA codes, should be followed. The NFPA code allows a reduction in the number of Class A fire extinguishers required if standpipe systems are provided. These two statements are contradictory. This requirement is excessive.

### 8.2.C.1.a

This section should use existing pre-fire plans and add "credible scenarios".

This section should only address conditions to the extent they affect licensed materials.

The definition for "qualified individuals" should be determined by the licensee. This should not imply that a fire safety engineer will be a full time employee.

8.2.C.1.b  
8.2.C.2.b  
8.2.C.2.c  
8.2.C.2.d

These sections are too prescriptive and in many cases inappropriate. As written they should be deleted from the SRP.

8.2.D.1.b

Not all plants have facility fire brigades nor do they need them. The SRP should allow flexibility in how licensees address fighting fires.

8.2.D.2.b

Many of the items listed as essential elements of a pre-fire plan are redundant to those required in the facility emergency plan per Reg Guide 3.67, Standard Form and Content for Emergency Plans for Fuel Cycle and Materials Facilities. If the Pre-Fire Plan does supplement the general Emergency Plan as stated, there is no reason to provide this information in two places. The NRC SRP NUREG-0800 Section 2.0 provides a good list of information which should be provided in a pre-fire plan.

8.2.E

This section is part of the plant training and doesn't need a special program.

There is unneeded emphasis on a fire brigade. Most fuel cycle facilities do not rely on or therefore maintain a fire brigade, so it should be made clear that this section does not require one.

8.2.E.1.b  
8.2.E.2.b

The acceptance criteria and review procedure imply that a minimum staffing of personnel trained in the use of portable fire extinguishers be available on each working shift. Working shift should be defined as the shifts when normal production operations are ongoing. Working shifts during maintenance outages are limited to the daily day shifts. The industry must meet the requirements of OSHA 1910.157 (g) which covers the training of employees in the use of portable extinguishers. The NRC should not be establishing training requirements beyond those. As such the SRP should indicate it is acceptable if the licensee has committed to a training program consistent with OSHA 1910.157 (g).

8.7

Several of the listed references are incorrect. NFPA 72D & 72E have been absorbed into NFPA 72. The Lightning Protection code is NFPA 780, not 78. NFPA 85D, fuel oil multiple boiler furnaces, has been absorbed into NFPA 85C. Why is NFPA 803, Light Water-Cooled Reactors, a reference? NFPA codes which are not referenced include: NFPA 36, Solvent Extraction Plants; NFPA 82, Incinerators; NFPA 703, Fire Retardant Impregnated Wood.

Delete Appendix A from the SRP. Delete all but the NRC documents from the References section.

## 10.0

# STANDARD REVIEW PLAN FOR ENVIRONMENTAL PROTECTION

### General

It appears from the public meeting discussions that the NRC intends to limit its review of environmental impacts at the time of license renewal to the radioactive contents of effluents, monitoring of radioactive materials in effluents and environmental monitoring for radioactive materials, as has historically been the focus of NRC environmental review for renewals. However, this SRP section is not consistent in limiting its scope to radioactive materials and therefore needs to be modified to be consistent with that philosophy. This SRP in particular needs to acknowledge the difference between a new license application and one in timely renewal.

This SRP specifies very detailed review procedures. It would appear unreasonable to expect all of this information to be submitted as part of the application. The application should only contain the applicant's commitments, e.g., to develop and implement appropriate procedures dealing with specified subjects. Reviewing the licensee's compliance with those commitments would be the function performed as part of the inspection process and not in general as part of the license application review.

It is unclear how this SRP relates to other SRPs for Waste Management Systems. There appears to be significant overlap in the area of effluent monitoring. This SRP appears to lack guidance for the reviewer to assure that adequate programs are in place and that the responsibilities and specifications are clearly defined. As discussed below specific, meaningful limits need to be established.

10CFR20 Appendix B is used inappropriately as a set of limits throughout this SRP. The concentration values listed in Appendix B are useful tools; however, they are not necessary to demonstrate compliance with 10CFR20.1302 "Compliance with Dose Limits for Individual Members of the General Public." This section of the SRP should be made consistent with acceptable methods in 20.1302.

### 10.2.A

Please add "enrichment facilities" to the first sentence in the third paragraph. The wording of this section seems to imply that a license application for a new facility will never be forthcoming and it may be that the NRC should succinctly address the actions they would take for a new license.

### 10.2.B

#### 10.3.A.1

#### 10.3.A.2

#### 10.3.B

These sections all deal with review of federal, state and local regulations. None of these other licenses, permits or approvals should deal with radioactive materials (with some exceptions). It is unclear for existing facilities why the NRC is referring to these other requirements, what information it expects from applicants and how it will deal with these subjects.

### 10.3.A.1

It appears as though this review is slanted toward procedures and data rather than assurance that a program exists and that procedures will be used and data collected. This section should specify programmatic requirements and leave the review of procedures and data to the NRC inspection process. One of the bullet items calls for particle sizing of gaseous effluents. There is no regulatory basis for performing such analysis. If this were required on an ongoing basis it would pose a significant burden to licensees with many discharge points. To even use this information would require NRC approval per 10CFR20.1302 (C).

In the first paragraph, the last phrase of the sentence needs correcting, perhaps to "...the staff should review the following information."

#### 10.3.B

As in 10.3.A.1, this section focuses on a review of data and procedure rather than program acceptability. The data/procedure reviews should be left to NRC's inspection program.

#### 10.4.A

The requirement to sample all gaseous effluents from non-process areas appears to be overly prescriptive. For example, it should not be expected that air handling units from office areas would necessarily be monitored. The need for such flexibility should be clarified. The use of the term "monitored" also needs to be clarified. If stacks are to be continuously "monitored" it could imply active monitoring systems instead of passive sampling systems. The requirement that all effluent releases be less than 10CFR20 Appendix B levels is not truly appropriate for gaseous effluents. The new 10CFR20 is based upon dose to the general public and does not necessarily require that gaseous effluent releases be less than Appendix B levels at the point of release. This should be revised to be consistent with the regulation. With this in mind, the specification that the LLD be less than 5% of the Appendix B level is also inappropriate.

#### 10.4.B

It does not seem appropriate to generically apply 10CFR20 limits on environmental samples. The values in 10CFR20 Appendix B are not environmental limits. For example, an on-site boundary air sample which is outside the restricted area but on company property could exceed the airborne concentration level in Appendix B yet not indicate that the licensee is out of compliance since compliance is off-site dose based. In addition, it is inappropriate to apply these levels to ground water monitoring. Again, based upon the above discussion, the 5% LLD criteria is not useful in all cases and should not be stated so generically.

## **11.0 STANDARD REVIEW PLAN FOR THE REVIEW OF THE PROPOSED DECOMMISSIONING PLAN**

We believe SRP 11.0 should be completely deleted since it addresses the preparation of a decommissioning plan. As such, it is not really relevant to the submission of a new license application, or a license renewal application.

## **11.1 STANDARD REVIEW PLAN FOR DECOMMISSIONING FUNDING ASSURANCE**

### General

This section should look like the one on Emergency Planning - just referencing Reg Guide 3.66 would seem to be appropriate. The material on self-guarantees and other appropriate regulations should be specifically identified.

### 11.1.4.C.12

Change part b to "The licensee must review his cost estimates at the time of license renewal, and must arrange to increase (or decrease) coverage and submit evidence of the increase (or decrease) to the NRC within 60 days after the license renewal is approved. If cost estimates decrease during the term of the license, the applicant may apply to the NRC for approval of a decrease in coverage."

In part e, add a "j" to the end of the section.

### 11.1.5.B

In this section, underline the part "...Standard Review Plan For The Review Of Financial Assurance Mechanisms For Decommissioning Under 10 CFR Parts 30, 40, 70, and 72..." Also change "...The staff has determined that..."

## 13.1 STANDARD REVIEW PLAN FOR WASTE HANDLING AND INTERIM STORAGE

### General

This section is drawn from 10CFR61 which has little or no relevance to waste handling procedures/practices at a Part 70 licensed facility. As a result, detailed comments cannot and should not be provided.

As written, this SRP would result in a significant number of additional procedures and/or procedural requirements for Part 70 licensees. It could also significantly impact interim storage practices/facilities for these licensees.

This SRP is almost totally inappropriate. The safe handling of waste is addressed by all other safety programs since it is only another form of licensed material. The unique issues in waste handling and storage are proper identification, characterization, and classification of waste and the disposal of waste in a routine manner to prevent unnecessary accumulation. Limitations on storage of waste is addressed by the proposed 10CFR70.32. This proposed rule would force treatment and disposal. The safety of treatment, storage, and disposal are already addressed by other programs as stated. If an SRP is needed, it should address only identification, characterization, and classification of waste and the requirements in the proposed 10CFR70.32 regarding storage.

The comments for this section need to reiterate that fuel cycle facilities are not power plants, nor LLW disposal facilities, and therefore delete all the references to Part 50 and Part 61.

If this SRP were implemented as written extensive and excessive reviews would be required, even though no basis is provided or exists for hazard versus use of resources.

#### 13.1.1

Delete the Secondary responsibility for review.

#### 13.1.2

Change the second paragraph to "...will include a review of the commitments in the SAR..." The extensive descriptions of waste handling would be excessive.

#### 13.1.3.1

Change the section to "...if the applicant has followed the regulations and has demonstrated that the applicant's methods will meet acceptance criteria..." There is no requirements to do so.

#### 13.1.3.1.A

This section requires throughout that the reviewer "...determine the adequacy of procedures..." Procedure review should not be a part of this SRP. These are inspector functions.

Licensees may not be able to describe detailed equipment and methods for handling different classes of waste (next to last paragraph). Waste form, container types, handling equipment availability, etc., are all details which should not be used to evaluate a Part 70 licensee's overall ability to implement an effective waste handling program.

In part 1, change to "the commitments for procedures and processes to be used for waste handling,"

Delete parts 2, 3, 4 and 5.

Part 6 should be deleted because it is covered elsewhere. Why should the rad protection program be different for waste in interim storage?

The last paragraph should be deleted.

#### 13.1.3.1.B

Part 1 and Part 2 should be deleted as they are covered in NRC inspections.

Part 3 should be deleted due to the fact that there is financial incentive enough to minimize waste and it seems to imply that there is a maximum acceptable storage time before shipment of waste.

Parts 4, 5 and 6 should be deleted.

Part 8 should be deleted.

In the last paragraph of this section, delete all but the first sentence since it is covered in 13.2 WM Systems.

#### 13.1.3.1.C

Change the first sentence from "The staff will evaluate the processes for handling and storage of waste that have elements common to both, such as;" to "The staff will evaluate the adequacy of processes for handling and storage of waste, such as;".

Change part 1 to "equipment for handling and storage of waste on site,".

Delete part 2.

Delete part 3 since it should be no different than any other radwaste.

Delete part 4.

Delete part 5 since it is covered in the radiation protection program.

Delete part 6 since it is covered in the emergency response procedures.

Delete part 7 because it is covered in other plans submitted to the NRC.

#### 13.1.4.1

Delete this section because it is not applicable.

#### 13.1.4.2

Delete this section.

#### 13.1.4.3.A

Delete all of this section except for the first sentence and change it to "The information on waste handling is acceptable if the procedures proposed provide for the proper handling to protect against damage of the package and provide worker protection."

#### 13.1.4.3.B

Delete most of this section except for "The proposed storage system is acceptable if the waste, buildings, and equipment will be protected from adverse effects of precipitation, and waste will be protected from water."

13.1.4.3.C

Change part 1 to "...has provided for adequate waste handling and storage;".

Delete parts 2 and 3.

13.1.5.1

Change to "...to satisfy the applicable 10 CFR Part 20...".

13.1.5.2

Delete all of the second paragraph except for the first sentence. Change the sentence to "The staff concludes that the licensee's commitment to waste handling and interim storage operations assure that..."

Delete all of the third paragraph except for the first sentence. Change the first sentence to "The staff concludes that operations which relate to both the storage and handling of waste will be conducted properly."

13.1.7

Delete the last two references.



## 13.2

### STANDARD REVIEW PLAN FOR WASTE MANAGEMENT SYSTEMS

#### General

Overall, this SRP is too detailed for fuel cycle licensees. This is likely due to the fact that these requirements were derived from 10CFR50, which applies to nuclear power reactor operations. Liquid and Gaseous effluents should be looked at as environmental impact materials and not be considered "wastes" with regard to evaluation of waste management systems for fuel cycle facilities licenses. These effluents should be addressed in the Section 10.0, Environmental Protection. Waste processing systems should be limited to just that, waste management systems.

#### THE FOLLOWING COMMENTS ARE SUBMITTED WITH RESPECT TO SOLID WASTE ONLY.

##### 13.2.2

In the first paragraph, the word "...ensure..." should probably be changed to "...assure...".

In item (2), remove "...and volumes..."

In item (4), the section "...Expected input volumes, flow rates, and radionuclide concentrations..." appears to duplicate much of the Environmental Information and looks like a detailed review plan for a reactor. There is too much detail and excessive review without cause.

Item (5) has too much detail.

Remove item (7).

In item (10), remove "...topical reports describing the..." and "...and data obtained from previous experience with similar systems which are submitted with the SAR."

In item (12), remove "...and the volumes of waste before and after compaction."

In item (13), remove "...type and size..."

##### 13.2.3

In the first paragraph, remove "...ensure..."

Under Safety Evaluation, why does the NRC go to this level of review in a fuel facility? The risk just is not there. Items (1) and (3) are wrong. The NRC inspector should make a determination that the licensee has done these things.

##### 13.2.4

Under Regulatory Requirements, remove items (3) through (8). There should be no suggestion that references for a reactor become applicable to a fuel facility. Reactor regulation guides should not become a launch point for fuel facilities regulation guides. Also remove "...10 CFR Part 50, 50.34a, Appendix A General Design Criteria 60 and 61, and 10 CFR Part 61, 61.43, 61.55, 61.56."

Under Regulatory Guidance, remove items (1) through (4) and (7) through (9).

Under Regulatory Evaluation Criteria, remove items (2) and (4).

##### 13.2.6

Remove all references except numbers 1, 7, 8, and 12.