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June 6, 1994

C O R R E C T I O N N O T I C E

TO ALL HOLDERS OF

SECY-94-150 - DRAFT PROPOSED RULE ON "RADIOLOGICAL CRITERIA
FOR DECOMMISSIONING"

PLEASE REPLACE PAGES 55 AND 81 OF ENCLOSURE 2 TO SECY-94-150 WITH
THE ATTACHED REPLACEMENT PAGES. ALSO, REPLACE PAGES 1 THROUGH 5
OF ENCLOSURE 5 TO SECY-94-150 WITH THE ATTACHED REPLACEMENT
PAGES.

ATTACHMENT:
AS STATED

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RATIONALE FOR THE PROPOSED RULE

Conceptual Basis.

The overall conceptual basis for decommissioning, as proposed in this rulemaking, consists of an objective to reduce the residual radioactivity at the site so that it is indistinguishable from the background, a limit on the dose considered acceptable for release of a site with a stipulation that dose be as far below this limit as reasonably achievable (i.e., ALARA), provisions in regulatory guidance for administrative relief from performing sophisticated ALARA analyses for licensees who have little or no site contamination, provisions for restricted termination of a license when physical remediation activities cannot achieve the limit, and enhanced provisions for public participation.

The *limit* for release of a site is 15 mrem/y (0.15 mSv/y) TEDE for residual radioactivity distinguishable from background. If doses from residual radioactivity are less than 15 mrem/y TEDE, the Commission will terminate the license and authorize release of the site for unrestricted use following the licensee's demonstration that the residual radioactivity at the site is ALARA.

The Commission expects the licensee to make every reasonable effort to reduce residual radioactivity to levels that will allow unrestricted release of the site. However, the Commission will consider terminating a license in cases where restrictions must be imposed on the use of the site to ensure that public doses are maintained below the 15 mrem/y (0.15 mSv/y) TEDE limit, provided the licensee:

(1) Can demonstrate that further reductions in residual radioactivity necessary to comply with the 15 mrem/y TEDE limit for unrestricted use are not technically achievable, would be prohibitively expensive, or would result in net public or environmental harm;

(2) Has made adequate provisions for institutional controls to reduce annual TEDE from residual radioactivity distinguishable from background to the average member of the appropriate critical group to 15 mrem (0.15 mSv) TEDE;

conversion factors could be used to determine compliance with criteria resulting from the rulemaking action.

The NRC staff is continuing to work with the EPA and the DOE in the development of coordinated Federal Agency guidance on site surveys. The Commission anticipates endorsing such guidance for use in demonstrating compliance with the requirements of this rulemaking when it becomes available.

Agreement State Compatibility

The Commission currently is developing a new policy on Agreement State compatibility which will be issued for public comment in the near future. The compatibility determination for the radiological criteria for decommissioning will be considered in regard to the implementation of the new compatibility policy. Therefore, the Commission believes that it would be premature to make a proposed compatibility determination on the radiological criteria for decommissioning at this time. However, for the purpose of facilitating the ultimate resolution of the compatibility determination for the radiological criteria for decommissioning, the Commission welcomes any comments on this issue. In particular, the Commission invites comments on to what extent and under what circumstances should an Agreement State be authorized to establish more stringent requirements than those set forth in NRC radiological criteria for decommissioning.

Draft Generic Environmental Impact Statement: Availability

As required by the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, the NRC has prepared a draft generic environmental impact statement (NUREG-1496) on this proposed rule. For informational purposes and ease of distribution, Appendix A of the draft generic environmental impact statement has been published as a separate report, "Background as a Residual Radioactivity Criterion for Decommissioning: Appendix A of the Draft Environmental Impact Statement in Support of Radiological Criteria for Rulemaking on Decommissioning" NUREG-1501.

NRC PROPOSES RADIOLOGICAL CRITERIA
FOR DECOMMISSIONING

The Nuclear Regulatory Commission is considering amending its regulations to establish radiological criteria for the decommissioning of contaminated sites licensed by the agency or subject to its jurisdiction. The agency is seeking public comments on the proposed rule and an associated Draft Generic Environmental Impact Statement.

Current NRC regulations define "decommissioning" to mean the removal of nuclear facilities safely from service and reduction of residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license. The proposed rule would expand the definition to also include release of the property under restricted conditions and termination of the license.

Under the proposed criteria, the objective of decommissioning would be to reduce residual radioactivity to a level that is indistinguishable from background. However, the Commission realizes that, as a practical matter, it would be extremely difficult to demonstrate that such an objective has been met. Therefore, the Commission is proposing requirements that would allow for NRC approval of the release of a site for unrestricted use if the radiation dose would be no more than 15

millirems per year, with a stipulation that the dose must be as far below this limit as reasonably achievable (ALARA).

The 15-millirem-per-year limit selected for unrestricted release of a site would provide a substantial safety margin below the 100-millirem-per-year dose limit for individual members of the public in Part 20 of the Commission's regulations. In selecting this limit, the NRC staff took into account recommendations from the International Commission on Radiological Protection and Measurements and the National Council on Radiation Protection and Measurements, as well as generally applicable environmental standards established by the Environmental Protection Agency and criteria used for remediation of contaminated sites under the Superfund program.

For release of a site for restricted use, the radiation dose would have to be no more than 15 millirems per year with institutional controls, and even if these controls fail, the dose could not exceed 100 millirems per year. The licensee also would have to:

(1) Demonstrate that further reductions in residual radioactivity necessary to comply with the 15-millirem-per-year limit for unrestricted use are not technically achievable, would be prohibitively expensive or would result in net public or environmental harm.

(2) Make adequate provisions for institutional controls after license termination to reduce the annual radiation dose from residual radioactivity to 15 millirems per year.

(3) Provide sufficient financial assurance to allow an independent third party to carry out any necessary control and maintenance of the site after license termination.

(4) Convene a Site Specific Advisory Board to obtain advice from affected parties. This Board would consist of about 10 members plus an ex officio representative from the Commission. It would provide a mechanism for local citizens and other affected parties to be directly involved in decisions regarding the site.

In order to provide additional opportunities for public input, when the Commission receives a decommissioning plan from a licensee, or a proposal for restricted release of a site, the agency would publish a notice in the Federal Register and local newspapers or other media soliciting comments and notify appropriate local and state governments and Indian Nations and solicit their comments.

NRC's current regulations do not explicitly address radiological criteria for decommissioning. Until new criteria have been approved in final form, the Commission will continue to review and approve decommissioning on a site-specific basis, using existing criteria, as indicated in a Federal Register notice published on April 16, 1992.

Single copies of the "Draft Generic Environmental Impact Statement in Support of Radiological Criteria for Decommissioning Nuclear Facilities" (NUREG-1496) and a related appendix on natural background radiation (NUREG-1501) may be obtained by

written request to: Printing & Mail Services Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or Fax: (301) 504-2260.

The staff's working draft of an associated regulatory guide, "Working Draft Regulatory Guide for Radiological Criteria for Decommissioning: NRC Staff's Draft for Comment" (NUREG 1500), is also being made available for review and comment. This draft is being provided at an early stage to obtain public input on the approaches and position taken. Single copies may be obtained by writing to the same address as above.

Interested persons are invited to submit written comments on the draft GEIS, the working draft regulatory guide and the proposed changes to the regulations by

_____ (120 days after publication of a Federal Register notice on this subject on _____). The comments should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

The Commission is particularly interested in obtaining comments on the appropriateness of the 100-millirem cap--or "safety net"--for the radiation dose if controls fail at a site that has been released for restricted use.

Comments may also be submitted electronically to the NRC Enhanced Participatory Rulemaking on Radiological Criteria for Decommissioning Electronic Bulletin Board, 800/880-6091. (Users should set parity to none, data bits to 8, and stop bits to 1

(N,8,1); and use ANSI or VT-100 terminal emulation.) Background documents on the rulemaking, including the draft GEIS and working draft regulatory guide, are also available for downloading and viewing on the bulletin board.

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