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 Decommissioning Planning During Operations

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 12/13/2011
 76 FR 77431

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General Comment

See attached file(s)

Attachments

GEH Comments on DG-4014

SUNSI Review Complete

Template = ADM-013

E-RIDS = ADM-03

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Washington, DC 20555-0001

Subject: Comments; Decommission Planning During Operations (DG-4014)
76 Fed. Reg. 77431 (Dec. 13, 2011)

In the subject Federal Register Notice, the U.S. Nuclear Regulatory Commission (NRC) requested comments on DG-4014, "Decommission Planning During Operations." This guide describes a method that the NRC staff considers acceptable for use in complying with the NRC Decommissioning Planning Rule (DPR) (76 Fed. Reg. 35511; June 17, 2011). That rule becomes effective on December 17, 2012, and will affect a wide range of facilities, with the purpose of reducing the likelihood that a current operating facility will become a legacy site (i.e., one without the financial means to close permanently).

GE Hitachi Nuclear Energy (GEH) appreciates the opportunity to provide comments on the draft regulatory guidance in DG-4014. GEH has participated in development of industry comments through the Nuclear Energy Institute and endorses those comments. GEH provides comments on certain specific issues.

Meaning of "Significant Residual Radioactivity"

DG-4014 states the following with regard to residual radioactivity (pg. 4):

The DPR adds a new paragraph, 10 CFR 20.1406(c), which establishes a new requirement for licensees with operating licenses to operate their facilities in a manner that minimizes the introduction of residual radioactivity into the site,

including the subsurface, to facilitate remediation of the site for unrestricted use at the time of license termination.

The DPR also amends 10 CFR 20.1501(a) to explicitly include a requirement for radiological surveys in the subsurface necessary to evaluate residual radioactivity at licensed sites. This revised regulation retains its existing limit of "reasonable under the circumstances." The term "residual radioactivity" is defined in 10 CFR 20.1003, "Definitions," as any radioactivity from licensed and unlicensed sources that has been introduced to the site by activities under the licensee's control. In the Statements of Consideration for the rule, a "significant amount of residual radioactivity" is defined as an amount that would require remediation during decommissioning to meet the unrestricted use criteria specified in 10 CFR 20.1402. Significant residual radioactivity in subsurface media, such as soil, is an important component of waste because, after operations cease, it must be removed and disposed off site to meet unrestricted use criteria.

In addition, the glossary in DG-4014 (pg.16) defines "significant residual radioactivity" as an amount of radioactive material that would require remediation to meet the unrestricted use criteria specified in 10 CFR 20.1402 at the time of decommissioning.

The glossary definition in DG-4014 could be misleading without the context that the material may be significant only as to the volume of material to be remediated and may not pose a significant risk during normal operations. Specifically, the definition implies that residual radioactivity requiring remediation to meet unrestricted use could present a risk during operations and require remediation prior to decommissioning. The guidance should acknowledge that there are regulatory provisions addressing residual radioactivity during normal licensed activities. DG 4014 should also recognize existing provisions for license termination under restricted conditions in 10 CFR 20.1403 and 10 CFR 20.1404.

DG-4014 acknowledges this approach in a later statement (pg. 5):

Decommissioning regulations require licensees to remediate sites to approved release criteria for unrestricted use (unless they can demonstrate the need for restricted use) without regard to the cost.¹

In response to a public comment on the DPR that suggested the NRC was effectively eliminating the option for restricted release for license termination, the NRC stated that NRC did not agree:

On the contrary, the changes being made to 10 CFR 30.35(e)(1)(i)(B), 40.36(d)(1)(i)(B), 70.25(e)(1)(i)(B), and 72.30(b)(2)(iii) allow licensees during facility operations to base their DFP [decommissioning funding plan] on the 10 CFR 20.1403 restricted release criteria, if the licensee can demonstrate its ability to

¹ NEI comments include discussion on the statement as to "without regard to the cost."

meet the provisions of § 20.1403. The NRC will accept a reasonable methodology used by a licensee to (1) evaluate remediation costs that support a licensee's decision regarding its response to a spill or leak and (2) demonstrate that the licensee is achieving doses at the site that are ALARA.

DG-4014 should acknowledge that regulations provide for restricted release (10 CFR 20.1403) and alternate criteria for release (10 CFR 20.1404), related to dose levels and ALARA principles and with adequate control of the site.

Surveys

In the same quote from DG-4014 above (pg. 4), the guidance mentions the amended provisions regarding conducting surveys and records for subsurface residual radioactivity. The guidance provides more explanation of the amendments to 10 CFR 20.1501 as follows:

The DPR does not alter the existing requirement to conduct surveys reasonable under the circumstances to evaluate the magnitude and extent of residual radioactivity. It does explicitly state in 10 CFR 20.1501(a) that the subsurface must be included in these surveys. The intent of the rule is to ensure that licensees identify the extent of significant residual radioactivity on site; therefore, licensees should survey in places where such residual radioactivity is more likely to exist. Licensees should also evaluate the potential for significant residual radioactivity to migrate and to concentrate such that it would not meet the release for unrestricted use criteria of § 20.1402. That is, if the existing significant residual radioactivity will naturally reduce to levels that meet unrestricted release criteria by the time of license termination, the DPR does not require any further action. For NRC licensees who have subsurface residual radioactivity with no current or projected groundwater contamination, a minimal, routine monitoring plan may remain in effect through license termination activities.

The DPR also places a lower bound on the amount of residual radioactivity that licensees should record: that which would require remediation at the time of license termination to meet the unrestricted release criteria of 10 CFR 20.1402. However, records of surveys performed that demonstrate that the residual radioactivity has not exceeded the level of significant residual radioactivity may be useful in demonstrating compliance.

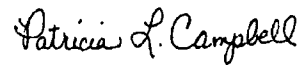
GEH recognizes the NRC's intent that surveys be conducted when "reasonable under the circumstances." As discussed in the NRC's response to a public comment on the DPR (Comment G.9; 76 Fed. Reg. at 35537, 35538), the NRC explained that the intent of the language is to provide flexibility in support of a risk-informed regulatory approach. Although there are no specific requirements, perhaps the guidance should provide examples or discussion on examples of a risk-informed approach and address such issues as when the subsurface surveys should be conducted, whether surveys should be conducted only for

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unintended releases/contamination or in locations where operations exist; and if surveys should be conducted only for new spills or in areas of previous spills.

If you have any questions on these specific comments, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Patricia L. Campbell".

Patricia L. Campbell