

CRCPD's Committee on Decommissioning and Decontamination (E-24)

Conference of Radiation Control Program Directors, Inc. ***A Partnership Dedicated to Radiation Protection***

April 10, 2003

Chief, Rules, Review and Directives Branch
Mail Stop T6-D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Updated and Consolidated Decommissioning Policy and
Guidance of the NRC's Office of Nuclear Material Safety and Safeguards;
Notice of Availability

Chief:

We are submitting comments in response to the December 2002 NRC federal register notice regarding the NRC's planned consolidation of license termination policy and guidance. The NRC is seeking public comments for the third volume of NUREG-1757 entitled "Consolidated NMSS Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness."

As you know, the CRCPD Decontamination and Decommissioning Committee (E-24) has been involved with the NRC as part of an ongoing effort of cooperation in the important area of D&D and license terminations. I would like to thank the NRC for including the CRCPD in the D&D consolidation project, especially Duane Schmidt, who did an outstanding job managing this project and working with our committee. The review of NUREG-1757 Volume 3 was a major priority for our committee last year. In addition to our participation on the volume 3 writing team, our committee met in Philadelphia on March 30, 2003 to review volume 3 and draft a response for NRC consideration. Our comments are provided below.

Once the NRC issues the last volume of NUREG-1757, I will recommend to the CRCPD that states support its use.

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Office of the Committee Chairperson
Dennis Zannoni

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General Comments

- Overall, draft NUREG-1757 Volume 3 captures the essential elements of financial assurance, recordkeeping and timeliness. It does provide a consolidated approach to financial assurance, recordkeeping and timeliness. This was no easy task considering the amount of information the writing team started with at the beginning of the project.
- The writing team did an excellent job in keeping the main body of the document under 75 pages. However, we would like to see the appendix shrink. We suggest that the writing team find ways to shorten the appendix.
- Since each of the volumes were reviewed and issued independently, we did not provide comments on the three volumes together. At some point in the future, all three volumes should be reviewed as one for consistency, content, and usability. The NRC indicated that NRC NUREG 1757 would be reviewed periodically and the committee supports this approach.

Section 1

- It would be extremely helpful if you improved your roadmap in this section. It does provide the basis for the construction of volume 3 but it does not help the user understand how to use the document. We suggest putting a roadmap together which includes the information already in the financial assurance, recording keeping, and timeliness sections. For example, if a user wanted to know the timeliness requirements, the flowcharts on page 2-3 and 2-4 provide the easy answers. If the user wanted to know the financial assurance requirements, then the user should be directed to the four steps outlined on page 4-7. Remember the user could be the NRC staff, an agreement state, or a licensee.

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Part I

Section 2

- Figure 2.19 is written for staff usage rather than for licensee usage. The user needs guidance on *what to do* rather than whether they are out of compliance.
- Pertaining to page 2-5, section 2.1, item 2 and item 4, how can the licensee determine that a site is “unsuitable for release” unless they first perform a final status survey? They may believe that a MARSSIM class 2 area (concentration above the DCGL is not expected) is suitable for release, but shouldn't that be demonstrated properly to the appropriate regulatory agency? If a licensee is required to assess the dose consequences of onsite buried material, shouldn't that also be demonstrated properly to the appropriate regulatory agency (see also, page 2-8, subheading “Onsite Disposals”)? The guidance should specify when it is acceptable for the licensee to make such determinations on its own.

Section 3

- Pertaining to page 3-1, “Recordkeeping Overview”, what is the NRC's expectation with regards to how long state programs should retain decommissioning records of licensees following license termination? Is this a compatibility issue? If a state becomes an agreement state, should it receive the decommissioning records of licensees terminated by NRC in their state?

Part II

- Shouldn't financial assurance include other federal and state participation during the review and approval process? Many federal agencies and states have ample experience with financial assurance in many disciplines and could be a valuable resource when needed.
- Since licensees exist that just walk away or disappear, please include a discussion of NRC and Agreement State requirements under these situations.

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- In light of the September 11, 2001 terrorist's attacks, licensees are finding it more difficult to obtain financial surety. How is this going to be addressed nationally? We support a national insurance based program for materials licensees?
- Pertaining to section 4.1, we recommend that an independent verification of the cost estimate by someone with defined qualifications (such as a registered PE) using currently accepted standards of care occur for financial assurance submittals.
- Pertaining to section 4.1, the review process should include a discussion and permission to use cost-estimating software, spreadsheets, or other acceptable current financial technically for financial assurance.

Regards,

Dennis Zannoni, Chair
CRCPD E-24 Committee

cc: Russell Takata, CRCPD Council
Sue Smith, CRCPD
CRCPD E-24 Committee
Duane Schmidt, NRC

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