

DISCUSSION OF SIGNIFICANT STAKEHOLDER COMMENTS AND STAFF PATH FORWARD ON REALISTIC SCENARIOS

SUMMARY OF DRAFT GUIDANCE

In NUREG-1757, Draft Supplement 1, "Consolidated NMSS Decommissioning Guidance: Updates to Implement the License Termination Rule Analysis," the U.S. Nuclear Regulatory Commission (NRC) staff proposed revising the following sections of NUREG-1757, Vol. 2: (1) Chapter 5, "Dose Modeling Evaluations"; (2) Section I.3 of Appendix I, "Criteria for Selecting and Modifying Scenarios, Pathways, and Critical Groups"; and (3) Appendix M, "Process for Developing Alternate Scenarios at NRC Sites Involved in DandD and License Termination." The revisions incorporate the revised policy on the use and basis of exposure scenarios for demonstrating compliance with the License Termination Rule (LTR) in 10 CFR Part 20, Subpart E. The revised policy allows licensees to base their compliance exposure scenarios on "reasonably foreseeable land uses," which are considered to be land uses that are likely within the next 100 years (also referred to as "realistic scenarios"). Licensees may still use screening scenarios or bounding scenarios, but the guidance emphasizes the flexibility afforded by use of realistic scenarios. The guidance states that if realistic scenarios are used to demonstrate compliance, less likely, but plausible, scenarios should also be evaluated to assess the sensitivity of dose to the scenario assumptions. This results in a more informed license termination decision.

SUMMARY OF STAKEHOLDER COMMENTS ON DRAFT GUIDANCE AND STAFF CONSIDERATIONS

Three States, one licensee, and one solid waste industry association provided comments.

Some stakeholder comments supported the policy of using a "reasonably foreseeable land use" scenario as the basis for LTR compliance. The other comments can be addressed by revising the guidance to provide clarifications, without changing the policy as presented in SECY-03-0069 ("Results of the License Termination Rule Analysis," May 2, 2003).

Some comments indicated that there may be confusion about the difference between the time frame for establishing the realistic scenario (based on land uses that are likely within 100 years) and the time frame for the dose analysis to demonstrate LTR compliance [1000 years in 10 CFR 20.1401(d)]. The staff plans to provide additional explanation in the guidance to clarify the different time frames.

One commenter questioned whether sites using realistic scenarios should be unrestricted use sites, or whether, consistent with U.S. Environmental Protection Agency (EPA) approaches, deed restrictions or other controls should be used to limit the land use to only the assumed "reasonably foreseeable land use." The staff acknowledges that EPA approaches may differ from NRC's implementation of "reasonably foreseeable land use." The staff plans to include more discussion in the guidance on why such controls are not needed under NRC's approach and how the evaluation of less likely, but plausible, land uses ensures significant exposure would not occur if land uses other than the determined "reasonably foreseeable land use" were to occur in the future.