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Arizona Public Service Company
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WILLIAM L. STEWART
EXECUTIVE VICE PRESIDENT
NUCLEAR

102-03228-WLS/AKK/RJR
January 20, 1995

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Secretary
U. S. Nuclear Regulatory Commission
ATTN: Docketing and Service Branch
Washington, DC 20555

Dear Sirs:

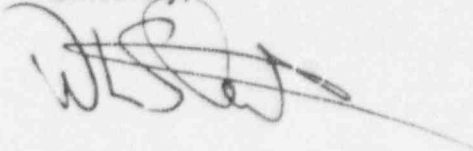
**SUBJECT: Palo Verde Nuclear Generating Station (PVNGS)
Comments on the Proposed Rule,
"Radiological Criteria for Decommissioning"
Federal Register, Volume 59, Number 161
File: 95-002-419.04**

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The staff at PVNGS has reviewed the proposed NRC rule on Radiological Criteria for Decommissioning and is submitting comments in the following four areas: 1) General; 2) Decommissioning Limit; 3) ALARA Cut-off Level; and 4) Site Specific Advisory Board (SSAB). The specific comments are provided in the enclosure to this letter. We request that you carefully consider these comments before proceeding with the proposed rule. Arizona Public Service Company also endorses the comments provided on the subject by the Nuclear Energy Institute.

Should you have any questions or require further information, please contact Scott A. Bauer at (602) 393-5978.

Sincerely,



WLS/AKK/RJR/rv
Enclosure

cc: L. J. Callan
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ENCLOSURE

Comments on the Proposed Rule

"Radiological Criteria for Decommissioning"

Federal Register, Volume 59, Number 161

General Comment:

Throughout the proposed rule, it appears that the Commission is still in the process of developing other guidance and implementation documents related to the proposed rule. Opportunity and input for public comments on these documents are important and should be solicited by the Commission when developed.

Decommissioning Limit:

Currently the proposed rule states in part "...A site will be considered acceptable for unrestricted use if: The residual radioactivity that is distinguishable from background radiation results in a Total Effective Dose Equivalent (TEDE) to the average member of the critical group that does not exceed 15 mrem per year...."

PVNGS has reviewed the Commission's reasoning in establishing the 15 mrem per year limit, but feels strongly that the limit of 100 mrem TEDE per year to any member of the public from all nonmedical, manmade sources, recommended by the International Commission on Radiological Protection (ICRP) and the National Council on Radiation Protection and Measurements (NCRP), should be reconsidered. The NCRP also recommends that for doses greater than 25 mrem per year to an individual, sites take special precautions to assure that the dose to that individual from all manmade sources does not exceed 100 mrem.

Using 25 mrem as an evaluation level would:

- correspond to approximately 10 percent of the average dose that the public receives from natural background radiation;
- more closely represent the geographic variability of background radiation dose that an individual would experience by moving from one location to another; and
- be large enough to be accurately measured with dosimetry devices and provide an important verification of compliance.

A dose of 15 mrem per year is difficult to support by actual measurement and could subject the licensee to frivolous legal action.

ALARA Cut-Off Level:

The proposed rule states in part "...A site will be considered acceptable for unrestricted use if: the residual radioactivity has been reduced to levels that are As Low As Reasonably Achievable (ALARA)...." Supplementary information to the regulation also mentions that an ALARA review must be performed if residual levels of radioactivity are

such that the projected annual dose is greater than 3 mrem. As part of the review, licensees must demonstrate why further reductions below the limit are not reasonably achievable...."

The Health Physics Society (HPS) has developed a position statement entitled "Radiation Standards for Site Cleanup and Restoration." The HPS is a scientific organization concerned with the protection of people and the environment from radiation. In their statement, an annual dose of 5 mrem TEDE is recommended as an appropriate screening level below which further assessment should not be required. This is because it is likely that efforts to reduce doses below that level will do more harm than good. Furthermore, the HPS explains that the screening level of 5 mrem per year is approximately of the same magnitude as the temporal variability of the dose from natural background at a single location (i.e., the difference in dose that an individual may experience without changing location).

PVNGS endorses the screening level of 5 mrem TEDE recommended by the HPS. The proposed cut-off limit of 3 mrem is too conservative compared to the temporal variability of dose from natural background. Also, from a cost-benefit standpoint, the remediation effort to lower the dose to that level will likely do more harm than good.

Site Specific Advisory Board:

The proposed rule currently states in part that "...licensees proposing to decommission in accordance with part 20.1405 [Criteria for License Termination Under Restricted Conditions] shall submit a plan for establishing and supporting a Site Specific Advisory Board (SSAB) and shall submit a decommissioning plan to the Commission. This plan shall include the recommendations of the SSAB and the licensee's proposed analysis and disposition of this advice...." The rule also identifies the expected make-up of such a board.

PVNGS' position is that requiring an SSAB is inappropriate for a nuclear power plant for the following reasons:

- The non-technical make-up of the board is being asked to make decisions on "whether there are ways to reduce residual radioactivity to a level necessary to comply with the provisions of 20.1404 which are technically achievable."
- The "restricted conditions" may be short-lived because the majority of the radioactivity at nuclear power plants is relatively short-lived. Even areas contaminated to levels that may cause potential doses of up to 40 mrem per year would be able to meet the unrestricted release criteria within 10 years if the contamination was mostly Co-60 (5.2 year half-life).

PVNGS' second position on the SSAB is that the SSAB membership should be clearly restricted to duly elected government officials for the following reasons:

- With a membership of approximately 10 individuals, every special interest group would want representation and could institute court action which would delay the process.
- By allowing special interest groups on the SSAB, they could unfairly influence land use decisions when they had been unable to succeed using the appropriate electoral/voting processes made available to all affected citizens. The only exception to this may be Native American representation.

In conclusion, it is PVNGS' position that:

- The opportunity for public comments on changes in this proposed rule and related documents is important and should be solicited by the Commission when developed.
- The proposed annual limit of 15 mrem TEDE for unrestricted release of a site is too low, especially when compared to recommendations made by scientific organizations dedicated to radiation protection.
- The ALARA cut-off level of 3 mrem is unrealistically low compared to the temporal variability of dose from natural background radiation.
- The formation of a SSAB may not be appropriate for all sites that may request restricted release conditions.
- The membership of the SSAB should be limited and based on the specifics of the particular site.