

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR

12/7/92

date

initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION
FROM: COMMISSIONER DE PLANQUE
SUBJECT: SECY-92-238 - FINAL TECHNICAL POSITION ON
ALTERNATE CONCENTRATION LIMITS FOR TITLE II
URANIUM MILLS

APPROVED X(in part) DISAPPROVED X (in part) ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

See attached comments.

9212110197 920902
PDR COMMS NRCC
CORRESPONDENCE PDR

E. Gail de Planque
SIGNATURE

RELEASE VOTE XX

September 2, 1992

DATE

WITHHOLD VOTE XX

ENTERED ON "AS" YES XX No _____

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Commissioner de Planque's Comments on SECY-92-238

I approve in part and disapprove in part, the guidance document, Final Technical Position on Alternate Concentration Limits for Title II Uranium Mills, but with some changes. The Final Technical Position on Alternate Concentration Limits for Title II Uranium Mills represents excellent work on the part of staff. It should be very useful to both staff and licensees.

My comments and changes are as follows.

1. The first comment pertains to page 28, under section 3.3.2.3.3, Evaluation of Environmental Hazards. The first paragraph directs the applicant to include in the evaluation of environmental hazards, potential adverse effects of the proposal, including potential for harm to endangered species or critical habitats. Consultation with the Fish and Wildlife Service (FWS) appears to be optional. The Endangered Species Act requires consultation with FWS if an endangered or threatened species is found on the site or is thought to inhabit the site. This is done not only to verify presence of an endangered or threatened species or critical habitat, but to verify effects and to develop corrective actions to mitigate impacts. The paragraph should be clarified accordingly.
2. On page 27, under section 3.3.2.3.2, Evaluation of Health Hazards and use of the risk level range of 1×10^{-6} to 1×10^{-4} implies adoption of EPA's risk levels. This would be precedent setting and is a major deviation from what we have endorsed under 10 CFR Part 20. The applicant is being asked to document that the proposed ACL is ALARA and also that it does not represent a significant hazard to human health or the environment. But the applicant is being told that the ACL must fall within the 1×10^{-6} to 1×10^{-4} range and that it's even preferable that it be at the 1×10^{-6} end of the scale. This appears to be an unreasonable burden on the applicant. I would propose that those references be deleted from the text of the guidance itself, and Part 20 be referenced for calculating doses to the public. As additional guidance, it would be preferable to place the EPA risk levels in an appendix to the guidance document, along with other risk ranges that may be appropriate for the applicant to use, and to clearly identify the agency that generated and adopted the levels and the purpose for which they are intended to be used.
3. Since NRC signed an MOU with EPA that states that both agencies "will actively explore ways to harmonize risk goals and will cooperate in developing a mutually agreeable approach to risk assessment methodologies for radionuclides", I think it is incumbent upon NRC to begin

that dialogue in earnest with EPA through whatever mechanisms are available.