

We ask that the Nuclear Regulatory Commission adopt the recommendations of the General Accounting Office by granting this petition.

Respectfully submitted,

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Dated: July 5, 1977

Refiled and Amended: October 7, 1977

ENCLOSURE E

DRAFT FEDERAL REGISTER NOTICE

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 30, 40, 50 and 70]

RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL
LICENSING OF SOURCE MATERIAL
LICENSING OF PRODUCTION AND UTILIZATION FACILITIES
SPECIAL NUCLEAR MATERIAL

Decommissioning Criteria for Nuclear Facilities

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Advance Notice of Proposed Rulemaking

SUMMARY: The U.S. Nuclear Regulatory Commission has underway extensive studies intended to provide a data base for developing decommissioning criteria for nuclear facilities. The Commission is considering amending its regulations to provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licensees. This notice is to invite advice and recommendations on several questions concerning decommissioning nuclear facilities.

ENCLOSURE E

Draft Federal Register Notice

DATES: Comment period expires _____, 1978.

ADDRESSES: Interested persons are invited to submit written comments and suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Bernero, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301-443-3573).

SUPPLEMENTARY INFORMATION: Present requirements and practices relating to the decommissioning of nuclear facilities are addressed in guides and regulations of the U.S. Nuclear Regulatory Commission. Section 50.33(f) of Title 10, Code of Federal Regulations requires the Nuclear Regulatory Commission (NRC) to determine, prior to the issuance of a license, that an applicant for an operating license is financially qualified to permanently shut down his facility and maintain it in a safe condition. Section 50.82 of Part 50 specifies requirements concerning termination of facility licenses. NRC Regulatory Guide 1.86 describes methods and procedures acceptable to

the NRC staff for the termination of operating licenses for reactors. The guide specifies limits which must be met before buildings, structures, and equipment, etc., can be released on an unrestricted basis. The guide also discusses alternatives for reactor retirement, i.e., (1) mothballing, (2) in-place entombment, (3) removal of radioactive components and dismantling, and (4) conversion to a new nuclear system or a fossil fuel system.

Appendix F of Part 50 was amended in 1971 to require an applicant for certain licenses to provide information to enable the Commission to determine whether the applicant is financially qualified to provide for the removal and disposal of radioactive waste. Appendix F also states that a design objective of a fuel reprocessing plant shall be to facilitate decontamination and that the Commission will develop criteria for the extent of decontamination to be required upon decommissioning in consultation with competent groups.

Regulatory Guides dealing with the content and format of applications and environmental reports for uranium mill licenses presently request information on tailings stabilization and associated financial arrangements for assuring that tailings are stabilized. Also, a generic environmental impact statement (EIS) on uranium milling is under preparation. One primary objective of the EIS is to provide an information base for a rulemaking action covering the decommissioning and long-term disposition of mill tailings.

Several enriched uranium fuel fabrication facilities have, in the past, ceased operations. These plants generally have been

decontaminated to below limits essentially the same as those specified in Regulatory Guide 1.86. The same holds true for other locations where byproduct, source, and special nuclear material have been used.

In 1975, the NRC initiated studies at Battelle-PNL to provide an information base for developing decommissioning criteria and guidelines for light water reactors and their fuel cycle facilities. These studies will also include waste burial grounds. The studies will evaluate the technology, costs, and the environmental impact (both occupational and public) related to decommissioning. These studies have led to a final report on decommissioning a fuel reprocessing plant in October 1977. A final report on decommissioning a pressurized water reactor is scheduled for March 1978. Other reports are scheduled over the next two years to complete these studies.

In a petition dated July 5, 1977, as supplemented October 7, 1977, the Public Interest Research Group, and others, requested the Commission to initiate rulemaking to promulgate regulations for nuclear power plant decommissioning. The regulations requested by the petitioners would require plant operators to post bonds to be held in escrow, prior to each plant's operations, to ensure that funds will be available for proper and adequate isolation of radioactive material upon each plant's decommissioning. The petitioners state that the regulations should also require that nuclear power plants already in operation establish plans and immediately post bonds, to be held in escrow, to ensure proper decommissioning. The

petitioners argue that this arrangement will ensure that the cost of decommissioning is paid for by current beneficiaries and not by future generations.

The Commission is considering development of a more explicit overall policy for decommissioning nuclear facilities and amending its regulations in 10 CFR Parts 30, 40, 50 and 70 to include more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licensees. It is anticipated that the issue raised in the PIRG petition discussed above will be processed separately from the overall policy development. Advice and recommendations on the matter of overall policy development are invited from all interested persons. Specifically, comments are requested on the following questions.

1. Is it desirable to develop more definitive decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licensees? If so, should the criteria be in the form of:
 - A. Potential exposures to individuals;
 - B. Numerical contamination limits;
 - C. Other? (Specify)
2. Should detailed decommissioning plans be required prior to the issuance of licenses?
3. Should funding or other surety arrangements be required before the issuance of licenses for all cases? If not, which cases?

4. What are acceptable criteria for residual levels of radioactivity on materials which can be released for unrestricted use?
5. Proposals have been made to maintain reactors, which have been closed, in protective storage for lengthy periods of time to allow for radioactive decay prior to dismantlement. From the standpoint of determining the impact to future generations, what is an acceptable length of time, if any, after a facility operation ceases before the facility should be decommissioned?
6. Should decommissioning criteria extend to buildings, structures, and components which have not been contaminated with radioactive materials?

The Commission has concluded that action to include specific decommissioning criteria and guidelines in its regulations for production and utilization facility licensees and byproduct, source, and special nuclear material licensees would constitute a major Federal action significantly affecting the quality of the human environment and as such will require the preparation of an environmental impact statement pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA). Accordingly, an impact statement(s)

will be prepared should the Commission determine it is in the public interest to proceed to amend its regulations as described above.

Dated at Washington, D.C. this _____ day of _____.

For the Nuclear Regulatory Commission

Samuel J. Chilk
Secretary of the Commission