



NUCLEAR ENERGY INSTITUTE

October 15, 2010

Ms. Cindy K. Bladey
Chief, Rules, Announcements, and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Comments on "Evaluation of the Groundwater Task Force Report: Public Meeting" (*Federal Register* of September 23, 2010, 75 FR 57987).

Project Number: 689

Dear Ms. Bladey:

This letter provides comments of the Nuclear Energy Institute (NEI)¹ on behalf of the nuclear energy industry on potential policy issues arising from the June 2010 final report of the Nuclear Regulatory Commission (NRC) Groundwater Task Force. These comments are intended to supplement and highlight points made by NEI and industry representatives at a public meeting held by the NRC on October 4, 2010.

The NRC's regulatory framework assures public radiation safety for routine and unintended releases at nuclear power plants. NRC requirements include public radiation safety limits and quantitative criteria for keeping releases as low as reasonably achievable (ALARA). The limits and criteria apply to all routine and unintended releases. During the licensing of each nuclear power plant, the NRC evaluates the potential consequences of unintended releases and confirms that such releases, should they occur, will be at a small fraction of radiation safety limits set by the NRC. The NRC requires commitments in the license for monitoring and controlling the amount of radioactivity in systems that might be prone to an unintended release. The NRC regulatory oversight program

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Alexander Marion
VICE PRESIDENT
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includes a specific focus on inspecting licensee operational programs to monitor and control routine and unintended releases and contains a structured approach for the NRC to take action in response to violations and non-compliances based on their safety significance.

In fact, radiological releases from nuclear power plants, including routine and unintended releases, have been at levels that are a small fraction of the NRC radiation safety limits and less than the quantitative criteria established by the NRC in Appendix I to 10 CFR Part 50 that define ALARA.

Nuclear power plant programs for enhanced inspection of underground pipes and tanks and increased environmental monitoring go above and beyond NRC requirements. The objectives of the programs are to minimize the potential for unintended liquid releases and to provide for early detection and response when such releases occur. All companies operating nuclear power plants have publicly committed to the programs and NRC inspectors are observing and documenting implementation of the programs at each site. The programs reflect best practices gained from operational experience and lessons learned. The programs include detailed commitments for open and transparent communication with the public, local officials, and the NRC about unintended releases and the actions being taken in response to such releases. The expanded nuclear power plant programs complement NRC requirements that assure public radiation safety.

The nuclear energy industry is supportive of NRC developing a policy statement, including a memorandum of understanding (MOU) with the U.S. Environmental Protection Agency (USEPA), which addresses cooperation and coordination between the NRC and other federal and state agencies in regard to the regulation of releases of licensed radioactive materials from nuclear facilities. A previous MOU between the NRC and USEPA in regard to site decommissioning and license termination can serve as a model.

NRC policy in this regard should reflect the Commission's conclusion in Staff Requirements Memorandum (SRM) 2008-0197 that "the current NRC regulatory framework continues to provide adequate protection of the health and safety of workers, the public and the environment. From a safety perspective, ICRP [International Commission on Radiological protection] Publication 103 proposes measures that go beyond what is needed to provide for adequate protection." The Commission's conclusions are consistent with the recommendations of the ICRP that "the standards of environmental control needed to protect the general public would ensure that other species are not put at risk."

There is substantial opportunity for the NRC to improve its programs for outreach and communication with stakeholders in regard to the agency's regulatory role and effectiveness in assuring that workers, the public and the environment are adequately protected.

First, the NRC should publish a "plain-English" description of its stringent and comprehensive requirements for controlling and monitoring releases of radioactive materials and resultant radiation exposure and how the requirements are applied and compliance is verified from the initial licensing of facilities through construction, start-up, operation, and ultimate decommissioning and termination of the license (i.e., the life-cycle nature of the regulatory framework).

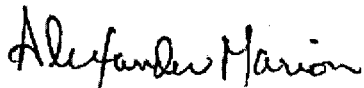
Second, the NRC should develop and more consistently use communication aids that help provide context and perspective for stakeholders to better gauge the structure and outcomes of the agency's risk-informed and performance-based approach that is central to its regulatory oversight programs. A simple example developed by NRC staff is enclosed that provides a perspective supporting NRC's conclusion that unintended releases from nuclear power plants have not posed a risk to public health and safety.

Third, the NRC should continue to build upon and improve its programs to inform local and regional stakeholders about the facility's performance in regard to nuclear and radiation safety, as well as to proactively communicate on generic topics of public interest. Specifically, NRC should establish a network of state and local officials near each nuclear facility site with expertise in public health and radiological protection to help coordinate communications with the public should an unintended release occur.

In summary, we believe that the current NRC regulatory framework does not need to be changed because it is fully protective of public health and safety and the environment. Nuclear power plant programs in this area go above and beyond NRC requirements to address our commitment to environmental stewardship, maintaining openness and transparency, and enhancing public trust and confidence. The NRC should consider an MOU with the USEPA that can clarify regulatory roles and improve coordination between the agencies. Finally, the NRC has ample opportunity to improve its communications and outreach programs to better address issues that involve low safety risk, but nonetheless can affect public trust and confidence.

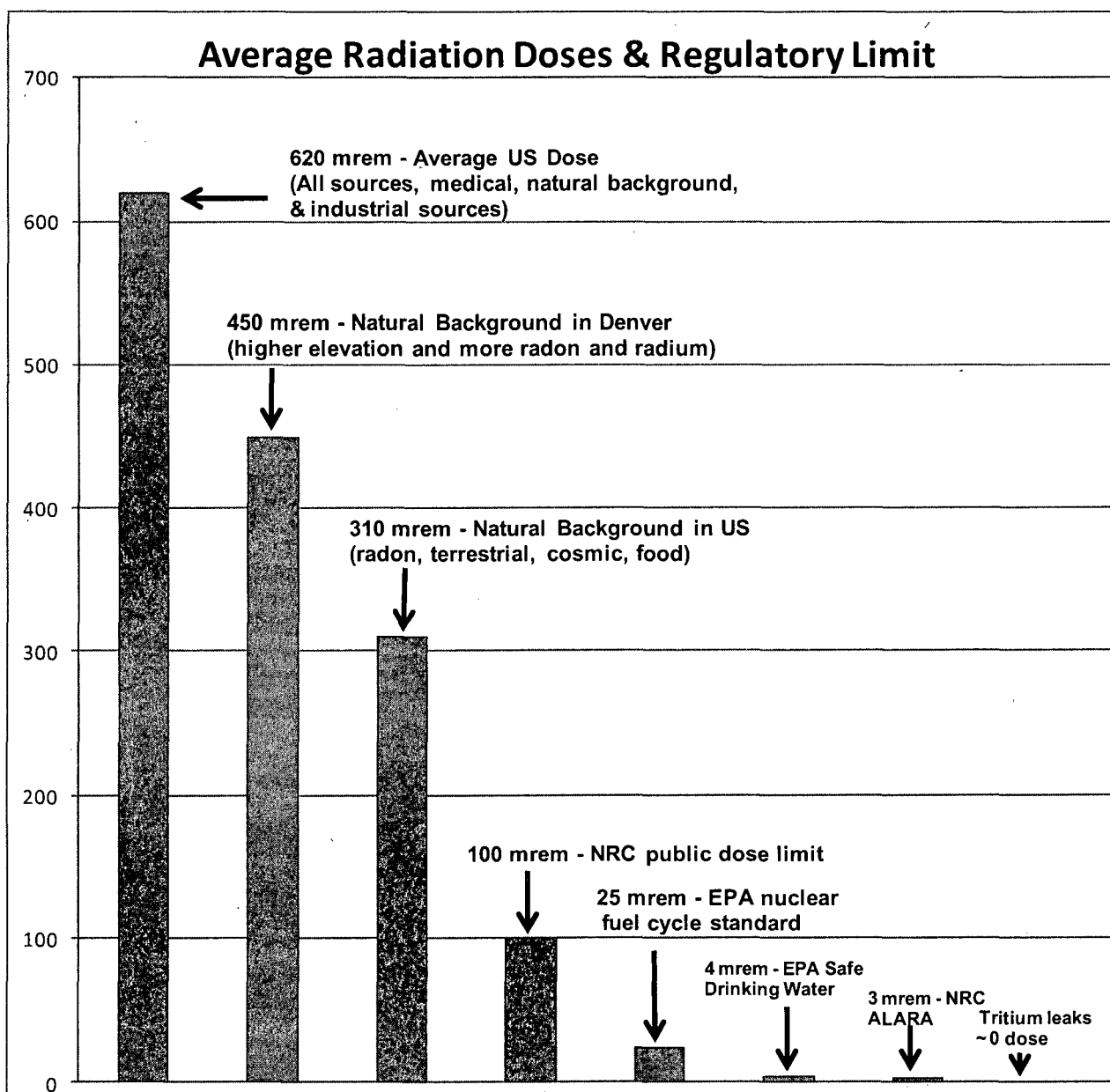
If you have any questions or concerns regarding the comments, please do not hesitate to contact me at 202.739.8080; am@nei.org or Ralph Andersen at 202.739.8111; rla@nei.org.

Sincerely,

A handwritten signature in black ink that reads "Alexander Marion". The signature is written in a cursive, flowing style.

Alexander Marion

Attachment



Dose from groundwater contamination is zero or very close to zero.

Source: US Nuclear Regulatory Commission 2010