

August 15, 2011

MEMORANDUM TO: Lydia Chang, Chief
Special Projects Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Program

FROM: Chad Glenn, Project Manager /RA/
Materials Decommissioning Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Program

SUBJECT: SUMMARY OF PUBLIC WEBINAR REGARDING
CONSIDERATION OF RULEMAKING TO ADDRESS PROMPT
REMEDiation DURING OPERATIONS

On July 25, 2011, the U.S. Nuclear Regulatory Commission (NRC) held a public Webinar to seek input from the public, licensees, Agreement States, non-Agreement States, and other stakeholders on a potential rulemaking to address prompt remediation of residual radioactivity during the operational phase of licensed material sites and nuclear reactors. The NRC is in the process of gathering information and seeking stakeholder input on this subject for the development of a technical basis document. The NRC conducted the public Webinar to facilitate the public's understanding of the issues and facilitate submission of informed comments. A summary of this meeting is provided as Enclosure 1.

The meeting was noticed on June 30, 2011. The notice is available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html#web-based-adams> where the public can access the text and image files of NRC's public documents in the NRC's Agencywide Document Access and Management System (ADAMS). The meeting notice and related documents can be found under accession number ML111780805.

The meeting participants included NRC staff and contractors, members of the power reactor licensee and vendor community, representatives from the Nuclear Energy Institute (NEI), the Union of Concerned Scientists, and

Federal and State agencies. A complete list of participants is provided in Enclosure 2. Enclosure 3 contains the meeting agenda. A copy of the meeting transcript is provided in Enclosure 4.

Enclosures

- 1: Meeting Summary
2. Participant List
3. Agenda
4. Transcript

CONTACT: Chad Glenn, DWMEP/FSME
301-415-6722, Chad.glenn@nrc.gov

Federal and State agencies. A complete list of participants is provided in Enclosure 2. Enclosure 3 contains the meeting agenda. A copy of the meeting transcript is provided in Enclosure 4.

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Summary of July 25, 2011, Public Webinar Regarding Consideration of Rulemaking to Address Prompt Remediation during Operations

On July 25, 2011, the U.S. Nuclear Regulatory Commission (NRC) held a public Webinar to seek input from the public, licensees, Agreement States, non-Agreement States, and other stakeholders on a potential rulemaking to address prompt remediation of residual radioactivity during the operational phase of licensed material sites and nuclear reactors. The NRC is in the process of gathering information and seeking stakeholder input on this subject for the development of a technical basis document. The NRC conducted the public Webinar to facilitate the public's and stakeholders' understanding of the issues and submission of informed comments.

The meeting was noticed on June 30, 2011. The notice is available electronically at the NRC's Electronic Reading Room at: [//www.nrc.gov/reading-rm/adams.html#web-based-adams](http://www.nrc.gov/reading-rm/adams.html#web-based-adams) where the public can access the text and image files of NRC's public documents in the NRC's Agencywide Document Access and Management System (ADAMS). The meeting notice can be found under accession number ML111780805.

The meeting participants included NRC staff and contractors, members of the power reactor licensee and vendor community, representatives from the Nuclear Energy Institute (NEI), the Union of Concerned Scientists, and Federal and State agencies. A complete list of participants is provided in Enclosure 2. Enclosure 3 contains the meeting agenda and a copy of the meeting transcript is provided as Enclosure 4.

I. Opening Remarks and Overview Presentation

The Webinar began with brief opening remarks and a PowerPoint presentation (ML112020555) by the NRC, summarizing the purpose of the Webinar, providing historical background on the relevant issues, and describing the NRC staff's preferred approach. The NRC staff stated that the purpose of this Webinar was to inform the public on the issues being considered to address prompt remediation and solicit stakeholder input to aid in the development of a technical basis document. The development of a technical basis document is required by the Staff Requirements Memorandum (SRM), SRM-SECY-07-0177 (ADAMS Accession No. ML073440549), which directed staff to "...make improvements to the decommissioning planning process by addressing remediation of residual radioactivity during the operational phase with the objective of avoiding complex decommissioning challenges that can lead to legacy sites." The Draft Proposed Technical Basis describes the NRC's preferred approach as a rulemaking to require licensees to promptly remediate radioactive spills and leaks when certain threshold limits are met. The preferred approach would also include a provision allowing licensees to delay remediation when certain conditions are met.

II. Discussion

After the presentation, NRC staff opened up the Webinar for public comment on nine questions provided in the July 18, 2011, *Federal Register* notice announcing the meeting (ML111790661).

Stakeholder Comments on *Federal Register* Questions

Stakeholders asked clarifying questions regarding the definition of “prompt remediation,” proposed dose limits, use of a risk-based approach, and data used by the NRC to justify the need for government action on the prompt remediation issue. One participant suggested that a rulemaking is not necessary based on current NRC regulatory authority.

In addition, stakeholders raised clarifying questions regarding the proposed use of the U.S. Environmental Protection Agency’s maximum contaminant levels (MCLs) for groundwater and NRC’s screening values for soil as threshold limits triggering prompt remediation. The NRC staff clarified that under the preferred approach, these limits only would be used as a trigger to initiate the licensee’s consideration of prompt remediation.

The Webinar participants also offered several conditions to be considered in an analysis to justify delayed remediation, such as normal radiological disintegration, comprehensive risk assessment, site specific determinations, and phased approaches to remedial actions. A stakeholder encouraged NRC staff to look at other Federal and State regulatory cleanup programs for guidance.

Stakeholders also suggested that licensees analyze the following topics to justify delayed remediation: 1) actual receptors or dose pathways; 2) impacts on operations; 3) cost-benefit considerations, and 4) State government agreements and rules. A stakeholder recommended that the role of cost in the decision to promptly remediate should depend on the degree of financial hardship caused by the remediation. Stakeholders asked that the licensee’s financial position at the time of contamination be considered in an analysis to justify delayed remediation. Webinar participants also called for Agreement State involvement in the rulemaking process.

III. Next Steps

The NRC will continue to accept public comments on the issues discussed in the July 18, 2011 *Federal Register* notice until September 16, 2011. Using the comments received, the NRC staff will refine the Draft Proposed Technical Basis. Once completed, the staff will develop a SECY paper including the technical basis and recommendations to the Commission for their review.

July 25, 2011, Public Webinar Regarding Consideration of Rulemaking to Address Prompt Remediation During Operations

Attendance List

NAME	AFFILIATION
Sarah Achten	NRC/FSME/DWMEP
David Asselin	State of MI
Josey Ballenger	GAO
Jerry Bonanno	Nuclear Energy Institute
Crystal Boucher	INPO
James Breeden	Dominion
Steve Caldwell	Personal Interest
Larry Camper	NRC/FSME/DWMEP
Ron Cardarelli	EPRI
Krupskaya Castellon	NRC/FSME/DWMEP
Dennis Chambers	SCIC
Lydia Chang	NRC/FSME/DWMEP
Wayne Cobleigh	GZA Environmental Inc
Richard Conatser	NRC
Joe Danek	FL Power & Light
Eric Darois	RSCS
Adam Dobson	NY Attorney General's Office
Patrick Donahue	Entergy
Leonard Earls	South Texas Project
Louise England	Progress Energy
John Ernst	University of MO
Steve Garry	NRC/NRR
Chad Glenn	NRC/FSME/DWMEP
Liz Gormsen	ICF
Chris Graham	Ameren Missouri Corporation
Robert Greger	CA Department of Public Health
Richard Gropp	Exelon
Anina Grumbles	Washington Department of Health
Steve Hall	SM Stoller Corporation
Jim Herrold	University of WY
Robert Holley	Nuclear Fuel Services
Jerry Humphries	NJ Department of Environmental Protection
Thomas Huston	Department of Veterans Affairs
William Irwin	VT Department of Health
Jim Kay	Areva Enrichment Services
Karen Kim	Electric Power Research Institute
Kenneth Kline	NRC/FSME/DWMEP
Andrea Kock	NRC

NAME	AFFILIATION
Jack Kraus	Waste Control Specialists
Ron Lavera	NRC
Warren Lavey	ELPC
Mark Ledoux	Energy Solutions
Harvey Lesan	Public Service
Marl Lewis	Energy Solutions
David Lochbaum	The Union of Concerned Scientists
Cynthia Logsdon	Westinghouse Electric Company
Loren Maas	Areva NP Inc.
Alisha Mahin	Eli Lilly Company
Val Malafeew	Chesapeake Nuclear Services
Cyndi Martinec	Duke Energy
Andrew Mauer	NEI
Keith McConnell	NRC/FSME/DWMEP
Chuck Mccracken	State of OH Department of Health
Libby McCullough	ICF
Matthew McGovern	Xcel Nuclear
Alan Meginnis	Areva
Paul Michalak	NRC/FSME/DWMEP
David Miller	Progress Energy
Joseph Nardi	Enercon Services
George Oliver	CN Associates
Domonick Orlando	NRC
Don Osborne	Nuclear Ships Savannah
Richard Pinney	State of New Jersey
Michael Plemmons	State of SC
Robert Powell	National Institutes of Health
Lance Rakovan	NRC/EDO
Robert Richie	TN Valley Authority
Joe Rizzi	Westinghouse Electric Company
Michael Roberts	South Carolina Electric & Gas
Debra Roby	Jennings Straus
Ken Rock	ICF
Ron Rogus	CA Dept of Public Health
James Ross	GE
T.R. Rowe	NRC/FSME/DWMEP
Bruce Rumans	Detroit Edison Firm 2 Nuclear Power Plant
Steven Schaffer	NRC
Kenneth Sejkora	Entergy Nuclear
Wayne Sepitko	Westinghouse
Jenny Shelton	PSCG Nuclear
James Shepherd	NRC/FSME/DWMEP
Joe Skibinski	SAIC
Lenard Smith	Cora
Tracey Stokes	NRC/OGC
Forrest Thomanson	Dominion Resources

NAME	AFFILIATION
Sandra Threatt	SCDHEC
Glen Vickers	Exelon
Stuart Walker	USEPA
Toby Walter	Neal R. Gross & Association
Jenny Weil	NRC
Mike Welling	VA Department of Health
Krista Wenzel	Wenzel LLC
Martin Wright	Pacific Gas & Electric
Kathy Yhip	NEI

AGENDA FOR JULY 25, 2011 MEETING REGARDING CONSIDERATION OF RULEMAKING
TO ADDRESS PROMPT REMEDIATION DURING OPERATIONS
1:00 P.M. – 5:00 P.M.

AGENDA:

1:00 pm – 1:15 pm	Introductions/Opening Remarks	NRC
1:15 pm – 1:30 pm	Overview Presentation	NRC
1:30 pm – 2:00 pm	Stakeholder comments on specific questions referenced in Relevant Documents #3	All
2:00 pm – 2:15 pm	Break	All
2:15 pm – 4:30 pm	Continuation of stakeholder comments on specific questions referenced in Relevant Documents #3	All
4:30 pm – 4:45 pm	Other Stakeholder comments	All
4:45 pm – 5:00 pm	Closing Remarks	NRC

**Enclosure 4-
Transcript**