

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Title: **BRIEFING ON SITE DECOMMISSIONING**
MANAGEMENT PLAN (SDMP) PUBLIC MEETING

Location: **Rockville, Maryland**

Date: **Wednesday, October 29, 1997**

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 BRIEFING ON
5 SITE DECOMMISSIONING MANAGEMENT PLAN (SDMP)

6 ***

7 PUBLIC MEETING

8 ***

9 Commission Conference Room
10 United States Nuclear Regulatory
11 Commission
12 11555 Rockville Pike
13 Rockville, Maryland

14
15 Wednesday, October 29, 1997
16

17 The Commission met in open session, pursuant to
18 notice, at 2:00 p.m., the Honorable SHIRLEY A. JACKSON,
19 Chairman of the Commission, presiding.
20

21 COMMISSIONERS PRESENT:

22 SHIRLEY A. JACKSON, Chairman of the Commission
23 EDWARD MCGAFFIGAN, JR., Commissioner
24 GRETA J. DICUS, Commissioner
25 NILS J. DIAZ, Commissioner

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1 STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

2 KAREN D. CYR, General Counsel

3 L. JOSEPH CALLAN, EDO

4 DAVID FAUVER, NMSS

5 JOHN GREEVES, NMSS

6 JOHN HICKEY, NMSS

7 CARL PAPERIELLO, NMSS

8 NICHOLAS COSTANZA, Office of Research

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P R O C E E D I N G S

[2:00 p.m.]

CHAIRMAN JACKSON: Well, good afternoon, ladies and gentlemen. Today the NRC staff will update the Commission on the status of the site decommissioning management plan, or the SDMP, as it is called.

The staff last briefed the Commission on this program on October 7, 1996. Along with this briefing, the staff has prepared a commission, SECY-97-242, that provides an update of the significant SDMP activities that have taken place during the past year.

The paper details progress on removing sites from the SDMP and notes that eight sites have been removed since September 1996, although three of the eight sites were transferred to Massachusetts when it became an agreement state earlier this year.

The staff has indicated in that SECY paper that is proposing that this be the last SDMP report to the Commission and that the SDMP terminology be phased out. The staff plans to call for an annual briefing of the Commission on the implementation of the License Termination Rule and the program on decommissioning cases.

The Commission looks forward to hearing more about the staff's future plans during today's briefing. I understand that copies of staff's paper and the briefing

1 charts are available at the entrances to the meeting room.

2 And so, unless my colleagues have anything to add,
3 Mr. Callan, would you please proceed.

4 MR. CALLAN: Thank you, Chairman. Let me take a
5 minute to do some introductions. Of course, you all know
6 Carl Paperiello, the office director for the Office of NMSS.

7 CHAIRMAN JACKSON: No.

8 [Laughter.]

9 MR. CALLAN: And under Carl, we have John Greeves,
10 who is the director of the Division of Waste Management.
11 Under --

12 CHAIRMAN JACKSON: Don't know him, either.

13 MR. CALLAN: Under John, we have John Hickey, who
14 is the branch chief for the Low Level Waste and
15 Decommissioning Branch, and under John Hickey, we have David
16 Fauver, who is a senior project manager and health
17 physicist. He just told me he has been working these issues
18 since 1991.

19 MR. FAUVER: Correct.

20 MR. CALLAN: Also, I would like to introduce,
21 behind me, next to Hugh Thompson, Nick Costanza and his
22 staff from the Office of Research, who were involved with
23 the recently published rule on radiological criteria for
24 license termination.

25 Chairman, the staff has been doing this annual

1 briefing since 1990. This one, as you pointed out, is a
2 transition type of briefing, and you correctly stated it
3 that the staff would like to transition from reviewing,
4 managing site-specific issues and generic issues on
5 decommissioning within the framework of SDMP to managing
6 those same issues in the context of the new rule on
7 radiological criteria for license termination.

8 The staff will also discuss progress on Direction
9 Setting Issue No. 9, which is the DSI on Decommissioning.

10 With that, I'll turn the meeting over to John
11 Hickey, who is the chief of the Low Level Waste and
12 Decommissioning Branch who will be the primary presenter.
13 John.

14 MR. HICKEY: Thank you, Mr. Callan, Madame
15 Chairman, Commissioners.

16 Could I have slide 2, please.

17 [Slide.]

18 First, I would like to give you an overview of
19 what we plan to present today. We'll go over some
20 background on the problems that needed to be addressed that
21 brought about the SDMP and some of the early progress and
22 accomplishments we've made under the SDMP.

23 You mentioned that we briefed you a year ago and
24 there were some specific actions that you asked us to take
25 to follow up on that briefing, and we'll summarize the

1 actions we took to follow up on that.

2 You also mentioned our proposal to phase out SDMP
3 terminology and treatment of SDMP as a distinct program, and
4 we'll tell you more about why we feel this is the
5 appropriate time.

6 Two of the significant developments over the last
7 year that are pushing us in that direction were the recent
8 publication of the License Termination Rule -- and we'll
9 talk to you about what we've been doing on that and where
10 we're going to go on that -- and, also, the Commission has a
11 strategic assessment effort

12 We have a specific Direction Setting Issue, No. 9,
13 that is pointed directly toward decommissioning, and we'll
14 tell you what we're doing in that area, and then we'll
15 present our forward view and tell you where we're going to
16 go from here.

17 Could I have the next slide, please.

18 [Slide.]

19 To give you some history, going back into 1980's
20 and even earlier, the agency recognized the need to improve
21 our decommissioning program. In 1988 -- this was before the
22 SDMP -- we published a Financial Assurance Rule, and it, for
23 the first time, exclusively required licensees to have
24 decommissioning plans and to estimate what it would cost to
25 decommission a facility and provide financial assurance to

1 assure that there was money available when the facility
2 needed to be decommissioned. So that was a first big step
3 in improving our decommissioning plan.

4 But then, in 1989, there was congressional
5 scrutiny of the program. There was a General Accounting
6 Office report that had numerous criticism of our program,
7 and there was a congressional hearing that then-Chairman
8 Carr testified at.

9 Some of the issues that were discussed were the
10 fact that we did not have clean-up standards in the
11 regulations; we did not have any timeliness requirements
12 that required licensees that were ready to be
13 decommissioned. The facilities were inactive. There was
14 nothing to compel them to proceed with decommissioning, and
15 in many cases it was in the licensees' interest not to take
16 any action because it was very expensive to pursue
17 decommissioning.

18 The GAO also pointed out that the licensees had
19 incomplete records with respect to where radioactive
20 material had been used and what the extent of contamination
21 was, and there was nothing that required the licensees to
22 keep complete records.

23 The licensees who were decommissioning in many
24 cases were doing inadequate surveys, and so they did not
25 identify the contamination that existed, and in many cases,

1 a facility could be released without an adequate survey.

2 Another example of something that was pointed out
3 is under our former regulations, licensees could bury
4 radioactive waste without NRC approval, and the GAO
5 expressed some concerns that some of these burial sites
6 might still pose risk, and I'm sure you will recall that
7 from previous briefings. They wanted us to go back and
8 assess those risks.

9 So the Commission, following this Congressional
10 review -- and there was already recognition that we needed
11 to keep making improvements -- directed the staff to take
12 some concerted action to improve the program, and we
13 developed the first SDMP and presented it to the Commission
14 in 1990, and that listed the sites that were of concern --
15 there were 40 sites -- and it identified regulatory
16 improvements that were needed that came out of the
17 Congressional review and other sources and enumerated the
18 actions the staff planned to take to make those
19 improvements.

20 That still was a mixture of concrete action and
21 good intention. We still did not have specific criteria and
22 mechanisms to compel the licensees to move forward. Now, we
23 pursued some rulemakings, but in 1992, we published what we
24 called the SDM action plan and we went formally public in
25 the Federal Register with the list of sites that we were

1 going to pursue, and we also summarized our criteria,
2 clean-up criteria which we would now call interim criteria
3 because, as we'll get to later, we now have a license
4 termination rule, but at that time, we didn't have that. So
5 we gave the licensees the target criteria and told them that
6 we wanted them to proceed expeditiously with
7 decommissioning, and that we were going to start with
8 encouraging and relying on voluntary action on the part of
9 the licensees, but if necessary, we were going to take
10 enforcement action to compel the licensees to clean up.

11 Could I have the next slide, please.

12 [Slide.]

13 As I said, there were 40 sites originally on the
14 list, and since then, we have added 20 sites and we removed
15 20 sites, and as Madame Chairman mentioned, eight were
16 removed in 1997, so there's 39 sites left.

17 Just to summarize the types of sites, in general,
18 they're sites that involve extensive outdoor contamination,
19 normally uranium and thorium, either a soil contamination or
20 large piles of tailings or that type of process material.

21 In many cases, there are also contaminated
22 buildings, and in some cases, there are fission products,
23 such as Cobalt 16 and Strontium 90, but it's primarily a
24 uranium and thorium problem.

25 Could I have the next slide, please.

1 [Slide.]

2 Now, let me summarize what we did following
3 specifically on the last briefing. You asked us to report
4 back to you on the feasibility of a generic environmental
5 impact statement, and the idea behind a GEIS would be that
6 it would reduce the need for individual impact statements by
7 enveloping a bunch of common issues among certain sites and
8 save resources and resolve policy issues in a coordinated
9 manner.

10 We reported back to you in July that at this time,
11 we didn't think that pursuing a GEIS would be
12 cost-effective, that we noted that with the license
13 termination rule, it had its own GEIS, and we thought we
14 should pursue implementation of the license termination rule
15 and deal with the sites in that context, and then we would
16 revisit the issue of a GEIS in two years.

17 CHAIRMAN JACKSON: Let me ask you this: What
18 information or data would you be anticipating within that
19 two-year period that would change your recommendation not to
20 proceed with an EIS for certain of these sites?

21 MR. HICKEY: Well, some of the licensees that we
22 thought might require an EIS it may turn out are
23 decommissioned under the new rule without an EIS. They may
24 make it on a clear path and not need an EIS.

25 CHAIRMAN JACKSON: Okay. I may come back to that.

1 Go ahead.

2 MR. HICKEY: The second item you asked us to
3 pursue was a risk informed approach for the formerly
4 licensed sites that had been released and needed to be
5 reviewed and also these former burials that were identified
6 by the GAO as an issue.

7 We provided you with a report in April, and we
8 described that we had developed screening instruments to
9 screen these types of sites and assess the need for
10 remediation, and it would take into account the degree of
11 the hazard and it wouldn't just be arbitrary decisions as to
12 deciding on the need for remediation.

13 The third item that you asked --

14 CHAIRMAN JACKSON: So what's the status now given
15 that we have the license termination rules finalized?
16 What's the status of the preliminary hazards analysis for
17 formerly licensed sites, particularly those that may have
18 been in process?

19 MR. HICKEY: Well, we think that a lot of those
20 can be closed out using the preliminary hazard analysis
21 because of the grandfathering and phase-in provisions of the
22 new rule, but if for some reason some of them drag on too
23 long, then it may be a matter of looking at it under both
24 provisions. But our plan now is to close out as many as we
25 can under the current provisions.

1 CHAIRMAN JACKSON: And does the preliminary
2 hazards -- it is supplanted by something else in the license
3 termination rule that is equally risk informed?

4 MR. HICKEY: I think -- I'll ask Mr. Fauver to
5 address that, if I could.

6 MR. FAUVER: Yes. One of the problems we were
7 running into is that we had a requirement -- the criteria
8 for buildings was Reg Guide 1.86, and it was rather
9 prescriptive and basically just gave a concentration number.
10 So we needed to somehow come up with a technique of looking
11 at that in a risk perspective.

12 There may be cases -- we were finding cases where
13 there was very limited contamination, in corners, in cracks,
14 in little spots in these buildings that exceeded the
15 criteria but clearly were not a risk problem.

16 Under the new rule, that kind of assessment is
17 actually mandated to do a dose-based assessment so that with
18 the transition to that, the new rule will basically cover
19 that kind of assessment.

20 CHAIRMAN JACKSON: Okay. Thank you.

21 MR. HICKEY: The third item you asked us to look
22 at which we have not previously reported to you was the
23 impact of project manager turnover, and in the last year --
24 we did provide a summary in the most recent SECY paper -- in
25 the last year, we had seven people that either left the

1 agency or there was a change of some sort, and that affected
2 eleven projects. Three of the people left the agency and
3 that affected four cases.

4 Of the eleven, we felt that only two of the cases
5 were adversely affected by the turnover and four of the
6 cases were affected favorably because it went from somebody
7 who was more -- had a heavier workload to somebody who had a
8 lighter workload, so there was a better adjustment of
9 workload, and in five of the cases, we thought it was just a
10 smooth transition with no impact.

11 So overall, I would say that project management
12 turnover was not a problem in affecting our cases.

13 CHAIRMAN JACKSON: This is just for a point of
14 clarity. In those four cases which you said were impacted
15 positively, you indicated that the effect on the schedule
16 was positive because it resulted in an increased pace of
17 staff effort. What does that mean?

18 MR. HICKEY: Well, in some cases, it might mean
19 that the project was bogged down because the person was too
20 busy -- the person that was on the case was too busy to work
21 on it, and another person may have become freed up because a
22 case was completed, so we gave it to that person.

23 MR. GREEVES: Some project managers have multiple
24 sites and they only spread around so far. So as we have
25 added new people, we have been able to give them some relief

1 and actually increase the pace on some of these sites is
2 what John is identifying.

3 CHAIRMAN JACKSON: Okay. And then there was a
4 question about the schedule for finalizing a draft -- there
5 was a draft branch technical position for screening sites,
6 and maybe this goes back to this preliminary hazards
7 analysis, and that the -- the statement was that it would be
8 finalized after a number of burials had been evaluated using
9 that branch technical position, and after public comments
10 were also resolved.

11 Now, what is the current schedule for finalizing
12 that? And again, has that been affected or supplanted by
13 the final license termination rule?

14 MR. HICKEY: First of all, with respect to the
15 schedule, we're behind schedule. We did get the public
16 comments and we pretty much evaluated the public comments,
17 but it's going to take us a couple more months to finalize
18 that position.

19 We still have to assess the effect of the new
20 rule. We still think it's useful because it's a very
21 conservative screening technique and if you pass that
22 screening technique, we think that you still will pass --
23 will meet the requirement of the new rule, but we still need
24 to evaluate that.

25 CHAIRMAN JACKSON: Well, I guess the real question

1 has to do with how does the one play off the other? I mean,
2 how does the branch technical position for screening sites
3 that pose a significant risk to the public play off of the
4 license termination rule which wasn't in place when you
5 started working on this draft?

6 MR. HICKEY: I'm not sure I have a good answer to
7 that. I think that in some cases, we may need to evaluate
8 both because the -- or we may need to modify the branch
9 technical position before we issue it in final to take into
10 account the new rule because --

11 CHAIRMAN JACKSON: Yes. I mean, that's really
12 what I'm trying to get at.

13 MR. HICKEY: Yes.

14 CHAIRMAN JACKSON: I mean, why should you be
15 issuing a branch technical position without checking its
16 conformance with the new license termination rule?

17 MR. GREEVES: To take us back to when the branch
18 technical position was put out, there was not a rule.

19 CHAIRMAN JACKSON: Absolutely.

20 MR. GREEVES: It was a tool --

21 CHAIRMAN JACKSON: Absolutely.

22 MR. GREEVES: -- that we were using to screen
23 sites.

24 CHAIRMAN JACKSON: Absolutely. It's just like --

25 MR. GREEVES: Now, there is --

1 CHAIRMAN JACKSON: -- the preliminary hazards
2 analysis. Now there's a rule. So I'm really asking you
3 what now?

4 MR. GREEVES: And I think we need to think it
5 through, so can we take that as an item --

6 CHAIRMAN JACKSON: Yes.

7 MR. GREEVES: -- to get back to you on?

8 CHAIRMAN JACKSON: Okay.

9 COMMISSIONER MCGAFFIGAN: Can I follow up just
10 briefly? The new rule and the criteria in the new rule
11 compared to the criteria in either the BTP or in this reg
12 guide 1.86 which is more constraining? Does it depend on
13 the material, like for the -- primarily, you said earlier,
14 uranium and thorium is what characterizes these sites. Is
15 the new rule more constraining or less constraining?

16 MR. FAUVER: The preliminary numbers indicate that
17 it may be slightly more constraining for uranium and
18 thorium.

19 CHAIRMAN JACKSON: With the new rule.

20 MR. FAUVER: With the new rule, the 25 millirem.
21 A number of the other nuclides I think are going to be
22 favorable, meaning higher concentrations.

23 However, those numbers are only screening values.
24 What we're -- the guidance is being developed in such a way
25 that a licensee can proceed from a screening conservative

1 analysis into a site-specific dose assessment, and in many
2 cases, I think there's a general expectation that a
3 site-specific value may be higher than the current DTP
4 values. That will require some analysis by the licensees,
5 but that's what the rule basically implies.

6 CHAIRMAN JACKSON: So you're going to --

7 MR. GREEVES: I was just -- I think Dave partially
8 answered the point I was trying to make, which is, I think
9 his first answer was in some cases, the new rule is more
10 restrictive, as he said, on the screening basis, but now the
11 new rule does allow you to look at things that aren't
12 exemptions anymore. So it actually gives us tools that we
13 did not have before. So on that front, I think the new rule
14 -- well, you've heard this before -- is the tool that we
15 needed.

16 CHAIRMAN JACKSON: Right. And all we're trying to
17 get at is where all of these kind of ad hoc tools,
18 instruments and tools, what's going to happen to them and on
19 what scheduled and how do they affect the sites where you
20 had already begun your screening before the issuance of the
21 final rule. So just come back with that information.

22 MR. FAUVER: Okay.

23 CHAIRMAN JACKSON: Okay.

24 MR. HICKEY: May I have the next slide, please.

25 [Slide.]

1 As we said before, we wanted to discuss with you
2 our view that we've reached a point where we should phase
3 out SDMP terminology and phase out treatment of the SDMP as
4 a large distinct program and think more in terms of a
5 broader decommissioning program.

6 Now, if you look at the SDMP just in terms of
7 progress on the sites, you're not going to be very impressed
8 because we started out with 40 sites and we did resolve some
9 of the sites, but we still have 39 sites due to some of the
10 additions. But if you look at the progress in terms of the
11 improvements that we've made in our regulatory framework, we
12 believe we have succeeded to a large degree in addressing
13 all the major deficiencies that were identified prior to
14 1990.

15 We have addressed the generic policy issues
16 through rules and guidance. We're now maintaining the list
17 of the SDMP sites and addressing those sites in an orderly
18 manner. We have management control and the Division of
19 Waste Management is assigned the overall responsibility to
20 make sure these sites are managed, and we now have the
21 license termination rule, which is a crowning achievement,
22 and we think that we can begin to view the decommissioning
23 program in the context of the license termination rule.

24 CHAIRMAN JACKSON: Having done that and having
25 said that, which relates to these three other points that

1 I've kind of stopped you, I think it's important that you
2 just provide to the Commission a clear, crisp description of
3 the transition, since you're proposing to eliminate the SDMP
4 "program and terminology," a clear, crisp description of the
5 transition from the SDMP to the license termination rule.

6 It is very important because it's the kind of
7 thing that I get asked about on the Hill about what we're
8 doing with these sites, and we have branch technical
9 positions floating around, hazards analyses floating around,
10 various documents floating around. If you could just do
11 that, and so broaden what you were going to do vis-a-vis BDP
12 into just giving us a clear, crisp description of the
13 transition, what gets phased in, what gets phased out, you
14 know, what will be used and when, and what happens to those
15 sites that are in process, I think that would be helpful.

16 MR. HICKEY: Okay.

17 CHAIRMAN JACKSON: Commissioner Dicus?

18 COMMISSIONER DICUS: Yes. Following up on her
19 comment, the Chairman's comment, I know, as you pointed out,
20 a great part of the reason to have the SDMP program was to
21 address the issues that rose in the hearings, and you've
22 indicated we've addressed or probably resolved the generic
23 policy issues, some of these other things, but I think as
24 part of this, to ensure that all of these issues were
25 identified, were resolved from the hearings so that we are

1 sure that if we are asked by Congress to address this or if
2 there is another GAO report, that we have our ducks in a row
3 on this.

4 MR. GREEVES: That's right.

5 COMMISSIONER DICUS: I think we do, but to be very
6 clear on that is very useful.

7 MR. GREEVES: Right. Okay.

8 COMMISSIONER MCGAFFIGAN: Just if I might --

9 CHAIRMAN JACKSON: Commissioner.

10 COMMISSIONER MCGAFFIGAN: It's on the same issue.
11 I think one of the problems we've faced already, we've
12 released a couple of sites, I believe one in Maryland
13 recently, and the question has come in, I believe, from
14 sister agencies or whatever, how does this site -- you know,
15 we released it under SDMP, but how does the site stack up
16 under the new rule? I think, until you have these 40 that
17 are grandfathered under the new rule, or 39 I guess it is,
18 sites off the books, you're probably going to live in a dual
19 system. They voluntarily move to the new rule as they can,
20 but they are not required to under the new rule.

21 MR. GREEVES: That's the natural transition, that
22 this rule actually gives the licensees some choice. They
23 can stick with the old criteria or go to the criteria, and
24 in part, I think the vision we have is over the next several
25 years, that natural transition is going to take place.

1 We'll see how many licensees want to stick with the old
2 criteria, we'll see how many go to the new ones, and how we
3 implement that process, because we're dealing with a new
4 rule, we're running into a few things that take some
5 implementation thoughts. But as far as documenting where we
6 are now, we can do that --

7 CHAIRMAN JACKSON: The real question is, have you
8 developed the associated regulatory guidance for the license
9 termination rule?

10 MR. GREEVES: Have we developed it?

11 CHAIRMAN JACKSON: Yes.

12 MR. GREEVES: We got an SRM by February of this
13 year. In fact, I think it would be part of this briefing.

14 MR. PAPERIELLO: The point is, this is where we're
15 dependent on the Office of Research who has the resources in
16 both FTE and dollars and charged with developing the
17 criteria to implement the decommissioning rule.

18 On our side, we'll develop a standard review plan,
19 but the criteria, whether it's levels of screening levels or
20 specific computer programs that are used, would be dependent
21 upon the Office of Research to develop.

22 CHAIRMAN JACKSON: Please speak into the
23 microphone.

24 MR. HICKEY: At this point, the only thing I can
25 say is that we're working very diligently to meet that

1 February deadline. We are depending to a large degree for
2 technical assistance in developing this guidance on Sandia
3 Laboratories. We are in correspondence with Sandia almost
4 daily and pressing upon them the need to do their part in an
5 expedited fashion. We think -- well, as of this moment, we
6 are on schedule. We don't anticipate any major technical
7 problems, but this is a very complex and tough knot. But we
8 are continuing to press forward.

9 NMSS has assured us that they are going to be
10 doing their part in terms of making sure that the
11 development of the reg guide is coordinated and that it
12 satisfies their needs as well.

13 CHAIRMAN JACKSON: Commissioner.

14 COMMISSIONER MCGAFFIGAN: I would like to ask a
15 question with regard to what our realistic expectations
16 should be for February. It strikes me that the modelling in
17 this area is complex and there are a bunch of models around,
18 and there might be some benefit in actually applying some of
19 them before -- you know, maybe put a reg guide out and then
20 put a final reg guide out once we've actually gotten some
21 experience. Is that what we should be expecting, or are you
22 trying to make all these decisions between now and February
23 as to what the right model is and which application and how
24 to use it?

25 MR. PAPERIELLO: At a screening level, we are

1 pretty confident that we will have a good story in February,
2 that we will be able to provide useful guidance to
3 licensees.

4 We will also have in that guide some indication of
5 how to proceed with site-specific analyses should that be
6 desirable. However, the specific models which will be
7 tested for site-specific application, that will take some
8 time after the February reg guide is published.

9 CHAIRMAN JACKSON: Well, I think this is part of
10 what I had in mind when I said we need a clear, crisp layout
11 of what the transition strategy is and process so that you
12 can kind of sweep all of this together.

13 Okay. Thank you.

14 MR. PAPERIELLO: I would like to make, if I might
15 make one observation?

16 CHAIRMAN JACKSON: Sure.

17 MR. PAPERIELLO: Fort St. Vrein was probably, in
18 terms of curie content, the largest decommissioning we've
19 ever been involved in. It was never on the SDMP because we
20 had a licensee with both the resources and the incentive to
21 do the job.

22 John's staff was the staff that managed this
23 program, and I think when I talk about essentially merging
24 the two, that's what we're really talking about. The fact
25 is, the methodology -- we are now developing common

1 methodologies, common survey methods. It isn't this piece
2 over here and this piece over there.

3 CHAIRMAN JACKSON: Okay. Thank you.

4 MR. HICKEY: I believe we're on slide 7 now.

5 Well, it's clear we're going to have to get back
6 to you with a comprehensive response that addresses this,
7 but I will -- to give you a feel, some of the material we've
8 prepared touches on some of these points. The
9 accomplishments we've made is we do have rules now that
10 require comprehensive recordkeeping by the licensees, so
11 they have a record of what needs to be decommissioned.

12 We have a timeliness rule which gives us a basis
13 to compel decommissioning in a timely manner, and of course
14 we now have the final license termination rule.

15 I would also point out, in '96, we promulgated a
16 comprehensive reactor decommissioning rule that lays out the
17 requirements for reactor decommissioning when they're shut
18 down in an orderly fashion.

19 Some of the areas that are not rulemakings but are
20 also very helpful is when the SDMP came out, we did not have
21 guidance on how to do a proper site survey, and we have now
22 developed that, and that has progressed to the point where
23 it's now a multi-agency effort and the acronym we use is
24 MARSIM. So we've cooperated with the main agencies on the
25 proper way to do site surveys, and that's helpful for both

1 the licensees and the agencies that are involved in
2 decommissioning.

3 We have also brought, as we discussed, burials
4 into the umbrella and told licensees that those have to be
5 addressed in a timely manner, and you have correctly pointed
6 out now we have to visit the issue of how the guidance
7 mergers with the rule and make sure we apply the rule
8 properly.

9 We also have comprehensive internal guidance and
10 procedures for our reviewers and inspectors who would
11 conduct decommissioning reviews and inspections.

12 With respect to our vision of the future
13 decommissioning program, we still would plan to brief you
14 annually, and the focus would be how the new rule is being
15 implemented, and we would also tell you how the complex
16 decommissioning cases are coming along, including the sites
17 that were originally on the SDMP sites.

18 Again, we're going to have to give you a
19 comprehensive response on that, but the SDMP would not
20 disappear overnight in any scenario. So in addition -- we
21 would continue to manage the case work. In addition to the
22 39 sites -- we have the formerly licensed sites and the
23 burials -- we will have other licensees that come in and
24 propose restricted use under the new rule which the SDMP
25 action plan did not specifically provide for. The new rule

1 does provide for that. Of course, we'll still have the vast
2 majority of the sites that are routinely cleaned up for
3 unrestricted use.

4 We recognize that there will continue to be
5 special issues that call for Commission consultation and
6 involvement with EPA and the public. We find that these
7 types of cases are very resource intensive and it's
8 important to involve the public and consult with the
9 Commission as appropriate, consult with EPA as appropriate,
10 and so we will continue to bring those cases to the
11 Commission and the public and make sure that they're
12 involved.

13 Next slide, please.

14 [Slide.]

15 We already started talking about the license
16 termination rule, but let me just briefly go over that. Dr.
17 Kastanzi described where we are.

18 [Slide.]

19 If I could go on to slide 11, the guidance that's
20 being developed, I would point out again that it does allow
21 for restricted use, and so that's going to be an important
22 aspect of developing guidance, and then we have other
23 modules of the guidance for surveys for the as low as
24 reasonably achievable principles and the dose modeling which
25 Commissioner McGaffigan correctly pointed out is quite

1 complex.

2 There are public workshops being conducted in
3 connection with developing the guidance. We've already
4 helped one and I think there will be three more over the
5 next few months.

6 MR. GREEVES: Could I interject on this slide?

7 This is basically a topic you started into a few
8 minutes ago, and this is a big challenge. You asked about
9 can we meet the February time frame.

10 Research has the lead on that responsibility, and
11 we're working with them very well on that. However, I
12 wouldn't want to over-promise you on the dose modelling
13 issue. Of these four items, that's the one we're going to
14 have the most trouble with. Research has asked the Program
15 Office to increase the level of resources that we're --
16 we're already putting resources on it; it's important to
17 you, Carl made real clear to me it's important to him, so
18 it's important to me, too, and we --

19 CHAIRMAN JACKSON: You mean it wasn't important to
20 you irrespective of that?

21 MR. GREEVES: I'm just trying to make the point
22 that we're actually allocating resources to this that we are
23 pushing off of work items, and it actually, I think, is
24 going to increase it over time, and even with that, the dose
25 modelling is the area that has the biggest challenge. There

1 will be a workshop on the dose modeling. We learn things
2 from the licensees in that area.

3 So what we have in February will be based on that
4 level of effort and how far along we can bring it.
5 Candidly, I think we're going to be working on this topic
6 through time just as the Commissioner mentioned earlier on,
7 and it will get better with time, just like our performance
8 assessment in high level waste. So I just don't want to
9 over-promise what you can expect in that area in the
10 February time frame.

11 MR. FAUVER: I'm not sure it was mentioned that it
12 is going to be published as an interim final reg guide, and
13 there is full expectation of development over some period of
14 time to fine-tune the process that is going to be put in the
15 initial reg guide.

16 MR. HICKEY: And this is the one the licensees are
17 going to be particularly interested in, the dose modeling
18 aspect, so I expect a fair amount of follow-up on that.

19 These workshops actually are a unique opportunity.
20 We're putting -- actually, Research is putting information
21 up on the Internet. We're getting real-time comments. It's
22 an iterative process. I just wanted to take a stop, if I
23 could, and --

24 CHAIRMAN JACKSON: Let me just ask a question.
25 Did this work not start until after the final rule was

1 promulgated, or you've been working --

2 MR. HICKEY: No. Some of this work was ongoing
3 even before the final rule. When you gave us the February
4 time frame, it sort of calibrated, you know, what had to be
5 done in what time frame. I think we originally asked for a
6 year to complete it and you came back and said February. So
7 I think Nick maybe can answer that question better than I,
8 but Sandia was working on this issue before the rule came in
9 place.

10 Nick, do you want to help out on it?

11 MR. COSTANZA: Yes. When we first started putting
12 together the rulemaking for license termination, one of the
13 key questions related to what should the criteria be was how
14 would one demonstrate that you've met whatever those
15 criteria might be.

16 So from the onset, when we began this enterprise,
17 we were worried about how to have -- how the licensee would
18 demonstrate compliance, and what kind of guidance would we
19 -- are we bringing upon ourselves to provide to the license
20 for the demonstration?

21 So hand in hand with the development of the rule
22 and the models which support the environmental assessment,
23 which supports the rule, was development of what's going on
24 with the reg guide. Now, the rule has been published, of
25 course, and now what we're trying to do is clean up the

1 loose ends and make sure that we have everything in order
2 and proof tested it so that we will be able to provide
3 guidance in which we have confidence to licensees so that
4 they would be able to comply with the rule.

5 But we have been doing this since the inception of
6 the rulemaking, which is some five years ago or something
7 like that. It was quite some time ago.

8 CHAIRMAN JACKSON: Okay.

9 MR. HICKEY: Slide 12, please.

10 [Slide.]

11 The other aspect of the rule as far as the
12 implementation is how would it apply to the SDMP sites, and
13 we -- you know, all the I's are not dotted and T's crossed,
14 but our sense is that about half of the sites are on a path
15 to being released for unrestricted use, but they would not
16 apply the rule, they would be grandfathered under the new
17 rule because the licensees already made enough progress to
18 consider themselves under the SDMP action plan criteria. We
19 have some examples here: RMI, Heritage Minerals and
20 Chemetron, which are uranium-thorium type licensees.

21 We think about half may request restricted
22 release, such as Shieldalloy, Cabot and Dow Bay City,
23 Michigan.

24 Now, obviously the cases that involve restricted
25 release are more difficult and require resources, but even

1 for cases involving unrestricted release, it can get quite
2 involved depending on the complexity and public interest. I
3 would like to walk you through one case to illustrate the
4 challenges that can be presented, if I could go on to the
5 next slide.

6 [Slide.]

7 In this case, the Chemetron case in Ohio, it
8 involves a site that is being cleaned up for unrestricted
9 use, but in many ways, it mirrors the general problems
10 associated with our decommissioning program over the last 20
11 years, and it kind of tracks our chronology of our
12 decommissioning program.

13 It was identified as a contaminated site in 1980.
14 There were numerous unsuccessful attempts to remediate it
15 where they came and told us the site was cleaned up and we
16 went out and found contamination, but we -- our program was
17 weak, so we were not giving the licensee clear guidance as
18 to what it was we expected.

19 Well, in 1990, they had some management changes
20 where they became more serious about getting the site
21 cleaned up and we became more serious through the SDMP about
22 getting the site cleaned up.

23 So in the '90s, we finally got them, after some
24 false starts, to adequately characterize the site and submit
25 an adequate decommissioning plan which we approved earlier

1 this year, and so they are remediating the site and they're
2 on a path to get it cleaned up and released for unrestricted
3 use in '98. There was substantial public interest from
4 elected officials, the state and local agencies, the Ohio
5 EPA and the public, and we have gone out, you know, made a
6 lot of effort to have public meetings and make sure the
7 public understands what's going on.

8 So we view this as a success story where we have
9 had extensive coordination with the public, but it took a
10 lot of time and resources, and our goal in the future is to
11 make sure that we involve the public in the decommissioning
12 process to maximize as much as possible the public
13 understanding of what we're doing and hopefully acceptance.
14 We can't guarantee 100 percent acceptance in all cases, but
15 at least we can involve the public and make sure the public
16 has an understanding of what we're doing.

17 CHAIRMAN JACKSON: Okay.

18 Commissioner McGaffigan?

19 COMMISSIONER MCGAFFIGAN: I would like to use this
20 go to back to slide 9. Is this a site that we would get
21 informed about, the Commission and the public and EPA, when
22 it's -- it's going to be released for unrestricted use, so
23 it doesn't meet the first criteria. I don't know whether
24 there are unique issues associated with it.

25 CHAIRMAN JACKSON: That's the criteria.

1 COMMISSIONER MCGAFFIGAN: So would it have been
2 one that --

3 MR. PAPERIELLO: Yes. I hate to say this -- I may
4 be the oldest NRC manager. I was associated with this site
5 in the 1980s.

6 COMMISSIONER MCGAFFIGAN: Also, when it is
7 released -- you said uranium and thorium is the primary --

8 MR. PAPERIELLO: Uranium, yes.

9 COMMISSIONER MCGAFFIGAN: Uranium. Will this --
10 are the criteria for unrestricted release under SDMP -- we
11 mentioned earlier that they might be less restrictive than
12 the new rule. Would it also qualify for unrestricted
13 release under the new rule?

14 CHAIRMAN JACKSON: Under the new rule, yes.

15 MR. PAPERIELLO: Let me ask the project manager.
16 He has the dose numbers at his fingertips, so --

17 [Laughter.]

18 MR. JOHNSON: I'm name is Tim Johnson. I'm the
19 section chief of the Facilities Decommissioning Section.
20 This would be close to meeting the unrestricted use criteria
21 under the new rule. Our performance -- a performance
22 assessment dose evaluation that we did for the site came out
23 about 28 millirem per year as a dose to an intruder using
24 the RESRAD modeling scenarios. So it would be close to the
25 new criteria for the unrestricted use.

1 COMMISSIONER MCGAFFIGAN: And did you make a
2 determination in the process that this was also as low as
3 reasonably achievable level, that there was --

4 MR. JOHNSON: Yes.

5 CHAIRMAN JACKSON: Okay.

6 COMMISSIONER DICUS: One real quick one to anyone.

7 CHAIRMAN JACKSON: He's trying to go sit down.

8 [Laughter.]

9 COMMISSIONER DICUS: He can go sit down. This is
10 really to the staff here.

11 One of the issues that we face in making some of
12 the decisions on these sites was referred to as the public
13 outrage factor, which you have alluded to. For example,
14 take this site where there is on-site burial and we are
15 going to try to release it for unrestricted use, it applies
16 to this site, but theoretically to sites in the future.
17 Could the public outrage factor come back to change this
18 decision? I mean, when can we say this is final, or can we?

19 MR. PAPERIELLO: If I'm correct, this site is an
20 on-site disposal.

21 COMMISSIONER DICUS: That's right.

22 MR. PAPERIELLO: And the reason why we had all of
23 the local officials involved and the Ohio EPA and the Ohio
24 Health Department, is that besides depleted uranium, which
25 is -- these were chemical catalysts, there was solid waste,

1 okay, so everybody's rules had to be met, and so there was a
2 lot of public interaction on this. Any time we had a
3 situation like this, you would be well informed of what's
4 going on.

5 But I think we're going to have a lot of public
6 interaction on any site on which there is going to be an in
7 situ disposal or a restricted release. That's clearly my --
8 what I'm seeing from my experiences in the last couple of
9 years. Obviously, when that happens, or when that potential
10 exists, we're going to keep you well informed of what's
11 going on.

12 COMMISSIONER DICUS: Okay. Thank you.

13 CHAIRMAN JACKSON: Okay. One more?

14 MR. COSTANZA: Just one more.

15 CHAIRMAN JACKSON: Sure.

16 MR. COSTANZA: The way this chart number 12 is set
17 up, I would say about half should be released for
18 unrestricted use under SDMP criteria presumably, and then
19 about half may request restricted release, and as I
20 understand, that would mean they would have to come under
21 the new rule because the SDMP did not have restricted
22 release.

23 MR. GREEVES: That's my belief.

24 MR. COSTANZA: Right. But it looks a little -- of
25 the half, the about half that are going to be released for

1 unrestricted use, if you know know how many would be
2 unrestricted under the new rule --

3 MR. GREEVES: Right.

4 MR. COSTANZA: -- it sort of looks like they -- if
5 the old rule is advantageous to you --

6 CHAIRMAN JACKSON: You use that.

7 MR. COSTANZA: -- you use that. If the new rule
8 is advantageous, you use that, and that may be inherent.
9 But do we know if any of these sites are five, ten, 15, 20
10 millirems?

11 MR. HICKEY: Are you talking about the
12 unrestricted group?

13 MR. COSTANZA: The unrestricted group.

14 MR. HICKEY: I'm not sure I can answer that.

15 One thing I should point out is it also depends on
16 the model we develop --

17 MR. COSTANZA: I understand that.

18 MR. HICKEY: -- to apply the new rule. It may not
19 be as conservative as the models that we've used, for
20 example, for the Chemetron case, so we may make a finding
21 that it --

22 CHAIRMAN JACKSON: Why would the models change?

23 MR. GREEVES: Under the action plan, many of the
24 sites used the 30 pica curie per gram criteria. It's not a
25 dose criteria; it's a concentration criteria. So we don't

1 have in a number of these cases what the dose, for example,
2 of that particular site was. They have, under the new rule,
3 the option of using the action plan criteria, one of which
4 is 30 pica curies per gram. So we do have the number, as
5 just stated, on Chemetron because Chem went through the EA
6 analysis and did some calculations.

7 MR. FAUVER: That wasn't 30; that was I think
8 about 70 pica curies per gram on average.

9 Is that correct?

10 CHAIRMAN JACKSON: Seven-zero?

11 MR. FAUVER: Seven-zero, the concentration at
12 Chemetron?

13 MR. JOHNSON: The average I think was 83 pica
14 curies.

15 MR. FAUVER: So it was above that.

16 A couple of times, it has been mentioned that the
17 licensees have an option under the new rule. I'm not sure
18 if it's clear that that's only until August of '98 that they
19 have that option.

20 CHAIRMAN JACKSON: I see.

21 MR. HICKEY: Commissioner, I don't have the
22 estimate of which ones might fall above the 25.

23 CHAIRMAN JACKSON: Why don't you try to dig that
24 up.

25 COMMISSIONER DICUS: I think we would need that.

1 CHAIRMAN JACKSON: Because it puts us in a
2 potentially untenable position from a public outrage
3 perspective.

4 Did you have another question?

5 COMMISSIONER DICUS: It's okay. That's all right.

6 MR. HICKEY: May I have slide 14, please.

7 [Slide.]

8 Now, with respect to the strategic initiative,
9 strategic assessment and direction-setting issue, number
10 nine, which is materials decommissioning, you asked us to
11 look at innovative ways to improve the decommissioning
12 process, and one of the focuses would be to demonstrate some
13 flexibility and simplification in tailoring the process to
14 the hazard of the site, and we are pursuing that.

15 We feel that we are -- we like to think that we
16 are flexible; however, we don't think we have adequately
17 communicated that and explored the options. So with respect
18 to decommissioning plans, we find that licensees are
19 providing more detailed decommissioning plans than they
20 need.

21 In some cases, they don't even need to submit a
22 decommissioning plan because they could perform some
23 straightforward decommissioning under their existing license
24 without specific approval from us.

25 So one of the things we're pursuing is improving

1 both our internal guidance and guidance to the licensees to
2 make it clear and provide them with more clear options to
3 tailor what they submit to us to the actual hazard at the
4 site.

5 Another area that we're looking at is the
6 transition from operation to decommissioning. In many
7 cases, the licensees are keeping license conditions and
8 commitments in place that are not needed for decommissioning
9 because they're not doing anything at the site, and yet they
10 have to maintain their infrastructure to hold to those
11 commitments and we do some inspections of those commitments.
12 So we want to go back and clean up the licenses to they only
13 keep in place the commitments they need to for
14 decommissioning, and then that will free up their resources
15 and our resources to use more efficiently to point toward
16 decommissioning.

17 We also are streamlining our inspection effort by
18 looking more at the items that relate to clean-up of the
19 site and making sure the licensee does a good job in
20 cleaning up the site, and that will reduce our need to spend
21 resources doing our own final surveys or using a contractor
22 to do our final surveys.

23 One of the ways that we need to implement that is
24 through a master inspection plan because it requires
25 coordination between our project managers and the inspectors

1 to coordinate what inspections need to be done when and what
2 the emphasis will be. So we'll be reporting back to you
3 next year on the results of this in connection with the DSI.

4 CHAIRMAN JACKSON: Okay.

5 MR. HICKEY: Slide 15, please.

6 [Slide.]

7 If I could say a word about resources, we are in a
8 position where the resources, as with many programs, are
9 projected to decline, and this is a dynamic program, it's
10 not a program that's just on automatic pilot.

11 As we have discussed, we have some front-end work
12 to do to implement the new rule and to implement some other
13 improvements, and in addition to that, the case work is
14 still there. So we have some concern that we need to keep
15 an eye on the backlog and what impact our resource situation
16 might have on not being able to do reviews in a timely
17 manner where we're on the critical path and the licensee
18 needs to move forward.

19 CHAIRMAN JACKSON: I understand that, but I also
20 believe that your slide 8, your slide 10, and your slide 11
21 hold a lot of the keys -- namely, you need to standardize
22 how you're going to review things, what your inspection
23 procedures are, et cetera, guidance development to the
24 maximum extent you can, and the, with that, the specific reg
25 guide in the areas you've listed to the maximum extent you

1 can, because there are two aspects. One is the number of
2 people you throw at it; the other is, you know, the
3 processes that you use.

4 Carl -- Dr. Paperiello should never have done the
5 business process reengineering, and out of that came, you
6 know, the result of -- that was in a different arena. It
7 had to do with reviewing license applications, but it shows
8 the value of having things codified in one place, et cetera.
9 So I urge you on that, even as we hear you, in terms of the
10 resources.

11 MR. HICKEY: Yes. And I think some of this
12 front-end work will pay off in the form of having --

13 CHAIRMAN JACKSON: But you're saying you will be
14 able to get it done?

15 MR. HICKEY: It will pay off to us and to the
16 licensees because they will know what is expected in a
17 standardized manner.

18 CHAIRMAN JACKSON: Right. Exactly.
19 Commissioner?

20 COMMISSIONER McGAFFIGAN: Could I ask about sites
21 that aren't on the decommissioning management plan? This is
22 the resources for SDMP.

23 MR. HICKEY: That's right.

24 COMMISSIONER McGAFFIGAN: We clearly -- I hope
25 we're budgeting resources for the Maine Yankee, Haddam

1 Necks, et cetera, that are coming along and are going to --
2 you know, Carl mentioned earlier in terms of curies or
3 whatever, that Fort St. Vrein was the biggest thing we have
4 decommissioned. We have a few others coming along now that
5 presumably have a few curies in them, too.

6 CHAIRMAN JACKSON: Let's let Carl speak to this.

7 COMMISSIONER MCGAFFIGAN: Yes.

8 MR. PAPERIELLO: We do, but I'm not sure what the
9 numbers are. They are not -- I don't think there are as
10 many as 14 in this thing, but I would have to go back and
11 check what the budget is. They're all in John's -- for the
12 most part -- in John's branch.

13 MR. HICKEY: If I could just use round numbers,
14 for reactors, we have about three FTE a year, but keep in
15 mind that NRR also has a role in reactor decommissioning.
16 We get the cases when the fuel is removed, but a lot of
17 decommissioning activity goes on under the new rule before
18 we get the case. And we also have I'm going to say on the
19 order of six to eight FTE for other types of materials cases
20 that are not on the SDMP.

21 The purpose of this slide is not to try to capture
22 all the resources, but just to illustrate that there is a
23 decline in the resources.

24 MR. CALLAN: Let me just say something about
25 resources on this question of predicting -- projecting

1 reactor decommissioning. The dilemma we faced, of course,
2 was in the budget assumptions, we didn't want to speculate,
3 we didn't want to speculate in a public document what the
4 staff believed to be the number of decommissioning that we
5 would expect, but rather we limited ourselves to those known
6 cases. So that did necessarily restrict our ability to
7 resource load this.

8 It is a dilemma.

9 CHAIRMAN JACKSON: Okay.

10 Yes.

11 MR. PAPERIELLO: Could I add, on that same line,
12 we don't know about the cases we're going to get from the
13 regions also. We had a recent call -- by the way, all four
14 of the regions are on the line listening; we set up a tie
15 line. We had a call from Region IV, and they went through
16 four cases with us that came in talking about clean-up.
17 They described them, and it ended up that we said, well,
18 they are all four complicated enough that you have to send
19 them to headquarters, and the way we find out about that is
20 when a licensee out in a region contacts the region and
21 says, I want to terminate, and the region reviews the file
22 and says, hey, soil contamination, et cetera.

23 So it's just a small example of some of the
24 unknown resource budgeting actions that are out there and,
25 you know, Region IV did the right thing, got on the phone

1 with us, but now that's on our plate to try and work off.

2 CHAIRMAN JACKSON: Right. But I think what we
3 need is just to keep the sensitivity meter high coupled with
4 your pushing as hard and as fast as you can on getting as
5 much consolidation and guidance development as soon as you
6 can so that that part is not a burden.

7 Okay. Commissioner?

8 COMMISSIONER MCGAFFIGAN: One small resource
9 issue, and it's treated in the paper and it's mentioned in
10 the SRM. How many resources are going to go toward the
11 pilot program for the non-complicated sites? I've got the
12 SRM in front of us. The technically capable, adequately
13 funded licensee's -- licensee site should be minimally
14 contaminated, non-complex, et cetera.

15 I'm asking the question, how much resource is
16 going in there, and given that we're going through a
17 budget-cutting drill here in light of the Congressional
18 action on our budget, is this an area we should be looking
19 at for whether the payoff is worth the cost?

20 CHAIRMAN JACKSON: If I may rephrase it so you
21 don't strictly put him on the spot, why don't we say that in
22 looking at how we apportion the budget cut, we can have you
23 fold that into the considerations as to whether there is any
24 opportunity there.

25 COMMISSIONER MCGAFFIGAN: But what is the resource

1 going into it?

2 MR. HICKEY: I don't have the exact number, but it
3 is included in this 22 in '97. But I just don't have --

4 COMMISSIONER McGAFFIGAN: Okay.

5 MR. HICKEY: It's a small fraction of the total.
6 It's not 20 percent of the total or anything like that.

7 CHAIRMAN JACKSON: So it's not going to cut that
8 much ice.

9 MR. HICKEY: It's not that big a number. But I
10 would point out that there's some serendipity. These
11 workshops we're doing on the guidance process, we're going
12 to bump into a lot of the licensees there.

13 CHAIRMAN JACKSON: Okay. Got your point.

14 [Slide.]

15 MR. HICKEY: On the final slide, if I could
16 present our forward view and where we go from here, we do
17 feel that we have accomplished what we set out to accomplish
18 in developing the regulatory framework culminating in
19 issuing the license termination rule. We do want to make a
20 transition from focusing on the SDMP to a broader
21 decommissioning program, and you have told us that you want
22 to hear more from us as to exactly how we would do that.

23 We will continue improvements under the
24 direction-setting issue number nine of the strategic
25 assessment, and we are focusing a lot of effort on

1 developing the guidance for the license termination rule and
2 we still have the case work challenges to address those --
3 those cases have not gone away.

4 So I would believe with the publication of the
5 license termination rule, we should declare at least a
6 substantial victory in developing the regulatory framework
7 for carrying out our decommissioning program.

8 CHAIRMAN JACKSON: Okay.

9 Commissioner Dicus.

10 COMMISSIONER DICUS: Has the consolidation of the
11 radiological laboratories occurred yet? Can someone tell me
12 where that is?

13 MR. HICKEY: Yes. The consolidation has occurred
14 in the sense that the mobile labs have been taken out of
15 service in Regions II and IV. The laboratory capabilities
16 have been reduced in Regions II and IV and lead
17 responsibility has been transferred to Regions I and III.

18 There is a tendency for Region IV to work with
19 Region III and Region II to work with Region I just for
20 geographical reasons, but there's no statement that it has
21 to always be that way; it's just whatever is appropriate for
22 Regions I and III to provide support.

23 COMMISSIONER DICUS: Okay. What kind of resource
24 savings did we get? Do you know offhand?

25 MR. HICKEY: I just don't know that offhand, I'm

1 sorry. We could check on that.

2 COMMISSIONER DICUS: Okay.

3 CHAIRMAN JACKSON: Anything else?

4 Commissioner Diaz?

5 COMMISSIONER DIAZ: No, no questions.

6 CHAIRMAN JACKSON: Commissioner McGaffigan?

7 Let me hurry up so we'll make it in the hour.

8 The Commission would like to thank the staff for
9 an informative briefing on the status of the SDMP program.
10 It is clear from our discussion today that changes have been
11 and are being made to the program to improve its overall
12 efficiency.

13 Now, we do recognize, as we've discussed, that the
14 program is in a transitional state, and that you expect
15 modifications and improvements over the next few years, but
16 obviously we're very interested in the development of -- and
17 the merging of the programs and the application of the new
18 rule.

19 You have described a number of successes over the
20 last year that we have been discussing, and they are
21 significant improvements, and so I compliment you on your
22 diligent efforts.

23 We're going to continue to monitor the program,
24 look for this comprehensive but concise statement of
25 transition and where you are in putting the various

1 additional foundational pieces together.

2 So without further ado, we're adjourned and it's
3 three o'clock.

4 [Whereupon, at 3:00 p.m., the meeting was
5 concluded.]

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CERTIFICATE

This is to certify that the attached description of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: BRIEFING ON SITE DECOMMISSIONING
MANAGEMENT PLAN (SDMP) PUBLIC MEETING

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: Wednesday, October 29, 1997

was held as herein appears, is a true and accurate record of the meeting, and that this is the original transcript thereof taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company

Transcriber: *Gray Carpenter*

Reporter: Jan del Monte



SITE DECOMMISSIONING MANAGEMENT PLAN

Division of Waste Management
October 29, 1997

OVERVIEW

- **Background**
- **Previous Briefing**
- **Plan to Phase Out SDMP Terminology**
- **License Termination Rule**
- **Direction-Setting Issue No. 9**
- **Forward View**

SDMP BACKGROUND

- **1988 Financial Assurance Rule**
- **1989 Congressional Review**
- **1990 SDMP Established**
- **1992 SDMP Action Plan**

SITE STATUS

- **40 Sites on Original List**
- **20 Sites Added**
- **21 Sites Removed (8 in 1997)**
- **39 Sites Remain**

PREVIOUS SDMP BRIEFING

In Response To SRM From Last Commission Briefing (October 1996) Staff:

- **Provided Report on Feasibility of GEIS**
- **Provided Report on Risk Informed Regulation of Formerly Licensed Sites and Former Burials**
- **Evaluated Impact of Project Manager Turnover on SDMP Sites**
 - **11 project manager changes in FY 97**
 - **2 cases adversely affected**
 - **4 cases affected positively**
 - **5 cases no impact**

PHASE OUT SDMP TERMINOLOGY

- **Generic Policy Issues Resolved**
- **Contaminated Site List Being Maintained**
- **Organization Established With
Responsibility For Decommissioning**
- **Transition to License Termination Rule**

POLICY ISSUE RESOLUTION

- **Final Rule, “Decommissioning Record keeping and License Termination: Documentation Additions” (1993)**
- **Final Rule, “Timeliness in Decommissioning of Materials Facilities” (1994)**
- **Final Rule, “Radiological Criteria for License Termination” (1997)**

POLICY ISSUE RESOLUTION (CONT.)

- **Draft NUREG-1575, “Multi-Agency Radiation Survey and Site Investigation Manual”**
- **IN 96-47, “Record Keeping and Decommissioning Notifications for Disposals of Radioactive Waste by Land Burial Under Former 10 CFR 20.304 and 20.302 and Current 20.2002”**
- **Standard Review Plan, Inspection Procedures, NMSS Decommissioning Handbook**

FUTURE DECOMMISSIONING PROGRAM

- **Annual Commission Briefing on Materials Decommissioning Program**
- **Manage Decommissioning Casework**
 - 39 SDMP sites
 - formerly licensed sites and former onsite burials
 - restricted use sites
 - unrestricted use sites
- **Notify Commission, Public, and EPA when:**
 - site released for restricted use
 - unique issues associated with site
 - as required by License Termination Rule

LICENSE TERMINATION RULE

- **Guidance Development**
- **Application to SDMP Sites**

LICENSE TERMINATION RULE

Guidance

- **Regulatory Guide**
 - **Restricted Use and Institutional Controls**
 - **Final Status Survey**
 - **ALARA**
 - **Dose Modeling**
- **Public Workshops**

LICENSE TERMINATION RULE

SDMP SITES

- **Currently 39 SDMP Sites**
- **About Half Should Be Released For Unrestricted Use**
 - most “grandfathered” under new rule
 - SDMP Action Plan criteria
 - examples: RMI Titanium
Heritage Minerals
Chemetron
- **About Half May Request Restricted Release**
 - examples: Shieldalloy-Cambridge
Cabot Reading
Dow Bay City

CHEMETRON - BERT AVENUE

- **Contamination Discovered in Landfill (1980)**
- **Numerous Unsuccessful Remediation Attempts (1980 - 1990)**
- **Substantive Deficiencies in Characterization Reports and Decommissioning Plans (1990 - 1997)**
- **Extensive Coordination With Outside Parties**
 - **elected officials**
 - **State and local agencies**
 - **Ohio Environmental Protection Agency**
 - **public**
- **Scheduled for Unrestricted Release - 1998**

DIRECTION-SETTING ISSUE NO. 9

- **Objective: Innovative Improvements**
- **Decommissioning Plans**
 - establish flexibility and risk-informed approach
 - criteria for submittal
 - information required in plan
- **Transition from Operation to Decommissioning: License Modification**
- **Streamline Decommissioning Inspections**
 - reduce inspection of low-risk activities
 - master inspection plan
 - “final survey program” inspection

DECLINING RESOURCES

- **1997 - 22 FTE**
- **1998 - 19 FTE**
- **1999 - 14 FTE**

FORWARD VIEW

- **Sufficient Policy and Rules Now Exist**
- **Transition From SDMP to Comprehensive Decommissioning Program**
- **Continue Improvements Under Direction-Setting Issue No. 9**
- **Implementation of License Termination Rule
Primary Near-Term Focus**
- **Significant Casework Challenges Remain**