

Industry Views: Potential Rulemaking on Prompt Remediation During Operations

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NRC Public Meeting – July 11, 2016

Background: Prompt Remediation Draft Technical Basis Inadequate

- *Neither 2011 or 2013 Versions of Draft Technical Basis Support Rulemaking:*
 - Assumes Rulemaking is Needed
 - Fails to Identify a Generic Issue; Lacked Specificity on Safety Issue
 - Fails to Adequately Address Backfit Implications
- *NEI Letters Document Industry's Opposition*

Industry's Commitment and Compliance

- Firmly Committed to Planning, Funding and Conducting Safe and Efficient Facility Decommissioning
- NRC Regulations Contain Appropriate Requirements to Prevent Legacy Sites
- Industry Implemented Decommissioning Planning Rule and Continues its Groundwater Protection Initiative

Groundwater Protection Initiative

NEI 07-07 Criteria 1.4 states:

Establish remediation protocol to prevent migration of licensed material off-site and minimize decommissioning impacts

- Criteria 1.4.a – “Establish written procedures outlining the decision making process for remediation of leaks and spills or other instances of inadvertent releases.”

NRC TI 2515/173: evaluates adherence to NEI 07-07

NRC memo 4/14/2011: “Roll-up Results of TI ”Follow-up on the Industry’s Groundwater Protection Initiative” documented that all but one site met this criteria and that this site was addressing the issue.

Current Regulatory Framework is Sufficient

- *Existing Regulations Require Licensees to Control Licensed Material and Comply with Dose Limits*
 - *Part 20, e.g.,:*
 - DPR – minimize contamination; proactive approach
 - License Termination Rule – tiered approach would be undermined by a prompt remediation rule
 - Annual Exposure Limits, Effluent Releases, etc.
 - *Part 50 (e.g., Tech Specs on effluents)*
 - *ALARA programs*
 - *Relevant NRC and Industry Guidance*

Conclusion

- *In Context of Project AIM:*
 - Proposed New Regulatory Initiatives Must Be Prioritized Based on Safety/Security Significance
- *Industry Compliance with Current Requirements is Routinely Inspected*
- *NEI Continues to Recommend Withdrawal of Prompt Remediation Rulemaking*
 - Can Not be Justified by Cost-Benefit and Safety Analyses or Backfit Evaluation