

June 30, 2011

ALL AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS

NOTICE OF AN UPCOMING WEBINAR AND REQUEST FOR COMMENTS ON
CONSIDERATION OF RULEMAKING TO ADDRESS PROMPT REMEDIATION OF RESIDUAL
RADIOACTIVITY DURING OPERATIONS (FSME-11-061)

Purpose: To inform all State contacts about: (1) the U.S. Nuclear Regulatory Commission (NRC) staff plans to conduct a public webinar on July 25, 2011, to inform stakeholders of NRC consideration of potential rulemaking to address prompt remediation of residual radioactivity during operations; (2) the NRC staff's intent to engage stakeholders and gather information to support the development of a draft technical basis for rulemaking for Commission consideration; and (3) the availability of additional information on this potential rulemaking along with instructions on how to participate in this webinar and other ways to comment¹ on this rulemaking initiative.

Background: NRC recently published the Decommissioning Planning Rule (76 *FR* 35512, June 17, 2011). That rule provides a risk-informed approach to identifying radiological contamination, especially in the subsurface, that could cause an increase in cost of decommissioning that may impact a licensee's ability to pay to remediate and ultimately terminate the license. This rule applies to the operational phase of a facility life, and requires licensees to operate in a way to minimize spills, leaks and other unplanned releases to the environment. It also requires licensees to check periodically for contamination throughout the site, including in subsurface soil and ground water. It does not have a mandatory requirement for licensees to conduct remediation during operations. In approving the rule, the Commission

¹ This information request has been approved by OMB 3150-0029 expiration 11/30/2013. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

This information request has been approved by OMB 3150-0200, expiration 08/03/2011. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0200), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

This information request has been approved by OMB 3150-0163, expiration 01/31/2013. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0163), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

directed the staff to, "...make further 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." Therefore, the NRC staff has started information gathering and analysis to consider a potential rulemaking requiring prompt remediation during operations.

Discussion: NRC is seeking 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. While the NRC has not initiated a rulemaking on this subject, we are gathering information and seeking input for developing a technical basis document. To facilitate the public's and other stakeholders' understanding of these issues and submission of informed comments, the NRC staff has scheduled a public webinar on July 25, 2011 from 1:00 pm to 5:00pm (EST).

A *Federal Register* Notice (FRN) will soon be published with details on the webinar. The FRN will discuss the potential rulemaking and solicit stakeholder input on specific questions. The FRN will include information on how to register to participate in the webinar. The webinar notice, agenda, and the staff's draft Proposal Technical Basis for Rulemaking will also be posted in advance of the webinar at: <http://www.nrc.gov/public-involve/public-meetings/index.cfm>.

If you have any questions regarding this correspondence, please contact me at 301-415-3340 or the individual named below.

POINT OF CONTACT: Chad Glenn
TELEPHONE: (301) 415-6722

INTERNET: Chad.Glenn@NRC.GOV
FAX: (301) 415-5369

/RA/

Terrence Reis, Acting Director **JLuehman for**
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

directed the staff to, "...make further 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." Therefore, the NRC staff has started information gathering and analysis to consider a potential rulemaking requiring prompt remediation during operations.

Discussion: NRC is seeking 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. While the NRC has not initiated a rulemaking on this subject, we are gathering information and seeking input for developing a technical basis document. To facilitate the public's and other stakeholders' understanding of these issues and submission of informed comments, the NRC staff has scheduled a public webinar on July 25, 2011 from 1:00 pm to 5:00pm (EST).

A *Federal Register* Notice (FRN) will soon be published with details on the webinar. The FRN will discuss the potential rulemaking and solicit stakeholder input on specific questions. The FRN will include information on how to register to participate in the webinar. The webinar notice, agenda, and the staff's draft Proposal Technical Basis for Rulemaking will also be posted in advance of the webinar at: <http://www.nrc.gov/public-involve/public-meetings/index.cfm>

If you have any questions regarding this correspondence, please contact me at 301-415-3340 or the individual named below.

POINT OF CONTACT: Chad Glenn
TELEPHONE: (301) 415-6722

INTERNET: Chad.Glenn@NRC.GOV
FAX: (301) 415-5369

/RA/

Terrence Reis, Acting Director **JLuehman for**
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

ML111790731

OFC	DWMEP	DWMEP	MSSA	MSSA	MSSA
NAME	CGlenn	LChang	DWhite	MDelligatti	JLuehman for TReis
DATE	6/29/11	6/29/11	6 /29/11	6 /29/11	6/30/11

OFFICIAL RECORD COPY