



SECRETARY

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 21, 2016

COMMISSION VOTING RECORD

DECISION ITEM: SECY-16-0121

TITLE: STAFF RECOMMENDATIONS FOR RULEMAKING TO
ADDRESS REMEDIATION OF RESIDUAL RADIOACTIVITY
DURING OPERATION

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 21, 2016.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Enclosures:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Burns
Commissioner Svinicki
Commissioner Baran
OGC
EDO
PDR

VOTING SUMMARY – SECY-16-0121

RECORDED VOTES

| | <u>APPROVED</u> | <u>DISAPPROVED</u> | <u>ABSTAIN</u> | <u>NOT PARTICIPATING</u> | <u>COMMENTS</u> | <u>DATE</u> |
|---------------|-----------------|--------------------|----------------|------------------------------|-----------------|-------------|
| Chrm. Burns | X | | | | | 11/17/16 |
| Cmr. Svinicki | X | | | | X | 11/07/16 |
| Cmr. Baran | X | | | | X | 12/5/16 |

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary


FROM: Chairman Burns

SUBJECT: SECY-16-0121: STAFF RECOMMENDATIONS FOR
RULEMAKING TO ADDRESS REMEDIATION OF
RESIDUAL RADIOACTIVITY DURING OPERATION

Approved XX Disapproved ____ Abstain ____ Not Participating ____

COMMENTS: Below ____ Attached ____ None XX

Entered in "STARS"
Yes X No ____



SIGNATURE
17 November 2016

DATE

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-16-0121: STAFF RECOMMENDATIONS FOR RULEMAKING TO ADDRESS REMEDIATION OF RESIDUAL RADIOACTIVITY DURING OPERATION

Approved XX Disapproved ___ Abstain ___ Not Participating ___

COMMENTS: Below XX Attached ___ None ___

I approve the staff's recommended Option 3, no action. Based on the review of an extended period of implementation data, the staff has concluded "that the [decommissioning planning rule] is being effectively implemented as it relates to ensuring that releases of radioactivity to the environment are promptly identified and characterized, that doses to members of the public remain below the regulatory limits, and the current regulatory requirements ensure protection of public health as a result of any releases." With respect to the option of developing further agency generic communications on the topic, the staff notes that "[n]umerous regulatory guidance documents exist to assist licensees in implementation of the [decommissioning planning rule] by providing acceptable methods for monitoring radioactive effluents, operational approaches to minimize the introduction of contamination, and general decommissioning planning guidance." Consequently, I find that the staff's recommendation to take no further action is well-justified and substantiated.



SIGNATURE

11/ 7 /16

DATE

Entered on "STARS" Yes No ___

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Baran

SUBJECT: SECY-16-0121: STAFF RECOMMENDATIONS FOR
RULEMAKING TO ADDRESS REMEDIATION OF
RESIDUAL RADIOACTIVITY DURING OPERATION

Approved X Disapproved Abstain Not Participating

COMMENTS: Below Attached X None

Entered in "STARS"
Yes X No



SIGNATURE

12/5/16

DATE

Commissioner Baran's Comments on SECY-16-0121, "Staff Recommendations for Rulemaking to Address Remediation of Residual Radioactivity during Operation"

In 2007, the Commission directed the staff to evaluate the need for a rulemaking to address the remediation of residual radioactivity at licensed facilities during their periods of operation.¹ At that time, the Decommissioning Planning Rule (DPR) was not yet in effect. The DPR, which became effective in late 2012, applies to the operational phase of a licensed facility and requires licensees to: (1) minimize the introduction of radiological contamination into the site environment; (2) perform site surveys to identify significant residual radioactivity; and (3) estimate the costs of remediation of residual radioactivity in order to make timely adjustments to their decommissioning funds.

The NRC staff has concluded that "the DPR is being effectively implemented, and the existing regulatory framework is adequate to protect public health and safety and prevent future legacy sites."² According to the staff, regulatory dose limits and the voluntary Industry Groundwater Protection Initiative also protect the public and reduce the likelihood of additional legacy sites. The staff found that "[t]o date, residual radioactivity has been mostly limited to onsite areas, and there has not been a significant impact on public health and safety."³ For these reasons, the staff believes that it is unnecessary to establish a new requirement for remediation during operation. I agree that this is a reasonable approach and approve the staff's recommendation to not proceed with a separate rulemaking or the development of additional guidance on remediation during operation at this time.

The staff's work in this area and stakeholder interactions during public meetings on the DPR highlight the importance of adequate decommissioning funding. For example, in the draft technical basis for a remediation during operation rulemaking, the staff stated that "some sites have experienced decommissioning costs significantly greater than the value of the decommissioning fund; this condition has the potential to create new legacy sites."⁴ In my view, this issue can and should be addressed as part of the ongoing power reactor decommissioning rulemaking.

¹ SRM-SECY-07-0177.

² SECY-016-0121 enclosure at 2.

³ SECY-016-0121 at 4.

⁴ Draft Technical Basis for Prompt Remediation, Rev. 3 (Dec. 26, 2011) at 11.