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Remarks by Ivan Selin
Chairman, U.S. Nuclear Regulatory Commission
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Nuclear Decommissioning Decisionmaker's Forum
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Good Evening, Ladies and Gentlemen.

I am pleased to be here tonight to talk with you about the NRC's efforts to develop radiological criteria for decommissioning, -- the proverbial question is "how clean is clean enough?" While this question has been around for many years, only recently has significant progress been made in developing and codifying criteria to achieve stability and consistency in the approach of the Federal Government. We now have a surprising answer, -- "it depends -- clean enough for what?"

Decommissioning is not an issue for NRC alone. EPA, DOE, DOD, and many other organizations find themselves dealing with radioactive materials as a result of man's activities. Because radioactivity is ubiquitous in nature, as well as what man has added, we have had to take a global view and coordinated effort in order to reach satisfactory solutions. We have also required a whole new approach to ways in which we accomplish rulemaking.

Two years ago, it became clear that any type of consensus on the appropriateness of a "Below Regulatory Concern" policy would not be attainable. One of the failings in the BRC policy effort was a lack of early involvement from the wide variety of interests and individuals involved in or affected by a decision. We have learned from that experience -- It was in order to involve these groups that the Commission initiated an unprecedented public participation process, which has become known as the enhanced participatory rulemaking. The results were seven workshops, eight scoping meetings for the Generic Environmental Impact Statement, publication of a staff draft for early comment, and over 7,000 comments to analyze. But the effectiveness of the process cannot be measured in terms of

statistics alone. More telling are the types of comments we have been receiving, which are often cast in a positive tone of suggestion and cooperative effort rather than confrontational criticism without much hope of change.

Does this mean that states, local governments, tribes, industry, citizen groups, and professional societies have suddenly all agreed how much cleanup is needed? Of course not. There is still a great diversity of views, and as we have already seen, some disagreement as to whether the criteria will really work. Nevertheless, we have made a start, and in this case, how we have done it is just as important as what we did.

You have already heard all the detailed nitty gritty of the NRC's and EPA's rulemakings. There is no point in my addressing all those points again, so let's take a look at the NRC's proposed rule for a minute in terms of what we heard during the workshops.

First, we heard that NRC should go back to square one and reconsider the notion that every site should be releasable for unrestricted use. One of the real policy questions embedded in the discussion is what the future land use should be and what types of institutional controls would be the most effective in assuring this. That is a decision that has to be made locally between the landowner, local governments, and others in the community. While we believe that the vast majority of sites can and should achieve an unrestricted release, there may be situations where it makes more sense to allow some type of restricted termination. This is consistent with EPA's activities under Superfund, and with the prospects facing some of the Department of Energy and Department of Defense facility sites.

Second, we heard that the public has to be involved in the decision process, particularly if the land may not be returned to its original condition. We agree. Public participation needs to be increased. But very few of us read the Federal Register while drinking our morning coffee, so we need a better way to reach the public. The concept of Site Specific Advisory Boards offers the opportunity to gather those groups and individuals who have strong views in a way that can produce solutions. That is one of the things we are hoping to refine further by the notice and comment process, including a workshop, now tentatively scheduled for early December. The issue we hope to explore is -- how do we best achieve input to the decision from such a diverse group?

The inevitable question of course is -- Was the process worth it? After all, the proposed rule looks like a limit and ALARA, just like all the other NRC radiation protection standards. Nevertheless, I think the answer is an unequivocal yes. Overall, the rule is significantly different, and better, as a result of all our efforts to get early input in crafting its content.

Furthermore, the resulting rule will give our licensees a degree of certainty about the standards they are required to meet so that a site may be closed and not revisited on this issue in the future. Moreover, we have been able to achieve, perhaps for the first time, a real measure of consistency in the approaches and criteria set up by the NRC and the EPA. In this particular area, as well as several others, we have been working with EPA toward eliminating dual regulation. It is gratifying to see that close cooperation and participation can result in this positive outcome -- apparent progress toward that goal.

The enhanced participatory process itself has bolstered the credibility of the agency beyond the limited topic of site decommissioning standards. Individuals and groups across the country have seen that we have listened attentively to their comments. Of course, we need to be mindful that all of the good will that has been developed must be maintained by preserving and extending this open interaction with the public as routine agency procedure. This presents a continuing challenge to the agency.

Our success in this rulemaking may also serve to answer skeptics who don't believe you can mix public participation with hard analysis. We believe we have a success story here, but time and further public comment will tell whether this is the case.

The proposed rule represents yet another stage of the process. For the first time the details of the analyses supporting the rule are available for comment. I expect that we will receive constructive comments on our regulatory analysis and generic environmental impact statement as well as the rule text and draft guidance. We welcome this prospect, and look forward to ways that we can further refine and improve the rule.

Questions?