

June 17, 2002

Mr. Paul H. Genoa, Senior Project Manager
Operations, Nuclear Generation
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: STATUS OF QUESTION AND ANSWER (Q&A) INITIATIVE REGARDING
CLARIFICATION OF LICENSE TERMINATION GUIDANCE

Dear Mr. Genoa:

As discussed in the June 1, 2001, public workshop on the Nuclear Material Safety and Safeguards (NMSS) Decommissioning Guidance Consolidation Project, the Nuclear Energy Institute (NEI) and the U.S. Nuclear Regulatory Commission (NRC) identified an approach to clarify existing guidance associated with the License Termination Rule (10 CFR 20, Subpart E), in concert with NRC's guidance consolidation project. Under this approach, NEI's License Termination Task Force (Task Force) would generate questions (Qs) associated with decommissioning issues that are common to the industry. The Task Force would also generate answers (As) to the questions and submit the Q&As to NRC for review. NRC staff would either approve or disapprove the Q&As and provide comments to the Task Force on those that were not found acceptable. Disapproved Q&As could be withdrawn, or the Task Force could revise and resubmit the Q&As, after satisfactorily addressing NRC comments. The approved Q&As would then be incorporated into the draft Consolidated NMSS Decommissioning Guidance (NUREG-1757), which would be published for public comment. NRC would consider and address any public comments on the Q&As, and the final Q&As would be published in the final NUREG-1757.

Following the process outlined above, NEI submitted the first ten Q&As that were developed by the Task Force, on July 16, 2001. NRC staff reviewed the Q&As and the supporting technical bases and provided comments to NEI on September 28, 2001. An open meeting was held between NRC, NEI, and industry representatives on December 4, 2001, to discuss each Q&A and work through the technical issues to ensure that the questions were properly asked and answered and were supported by a defensible technical basis. Since the December 4, 2001, meeting, NRC staff and NEI have further developed the working-level Q&As so that they adequately reflect NRC regulations and guidance and include a sound technical basis.

As a result of this cooperation, seven of the first ten Q&As have been found acceptable by the NRC staff and are attached to this letter. Please note that the original Q&A 6 and Q&A 7 have been combined. Also, please note that NRC has further revised Q&A 2 regarding de-selecting radionuclides using the "10% rule." NRC plans to include these Q&As in draft Volume 2 of NUREG-1757. Please note that as NRC staff continues to develop draft Volume 2, the Q&As are subject to change. It is expected that any changes would be editorial in nature. NRC is currently planning to publish draft Volume 2 for public comment in September 2002. At that time, the public will have an opportunity to comment on the Q&As, and the comments will be

addressed by NRC's guidance consolidation team before Volume 2 is finalized. NEI will also have the opportunity to submit comments at this time, if there were substantive changes to the Q&As attached to this letter.

The remaining Q&As regarding embedded pipe will not be finalized in time to be included in draft Volume 2. It is important that stakeholders have an opportunity to comment on these Q&As. Therefore, NRC plans to publish these Q&As in the Federal Register on the same date that draft Volume 2 is published for public comment. At the end of the public comment period, NRC's guidance consolidation team will review the Q&As and address any associated public comments. The Q&As would then be incorporated into the final Volume 2 of NUREG-1757.

We look forward to continued interaction in developing acceptable approaches for addressing technical issues associated with license termination. If you have any questions regarding this response, please contact me at (301) 415-7234, or you may contact Kristina Banovac of my staff at (301) 415-5114.

Sincerely,

/RA/

Larry W. Camper, Chief
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Attachment: Q&As 1-2, 6, and 8-10

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