

The set of documents printed below are the text versions of e-mails received for concurrence on the Decommissioning Planning proposed rule, prior to submittal by the EDO to the Commission on October 3, 2007 (SECY-07-0177).

The order of the e-mails is NRR, NMSS, NRO, OGC, RES, R-III, OE, and OCFO.
Kevin O'Sullivan
January 25, 2008

From: Bruce Boger
To: Pangburn, George; Weber, Michael
Date: Tue, Aug 7, 2007 4:51 PM
Subject: Re: RESPONSE - Decommissioning Planning Rule Change

Thanks, Mike. I think a management meeting between the offices would be a good idea. I recognize that part of my concern is how what is currently required by Part 20 is characterized--even though it is part of the SOC for the LTR. To my mind we've mixed requirements with guidance and policy and have come out with new requirements. In addition, I'm concerned that we've over-stated what the industry groundwater protection initiative and related TI will accomplish. I think industry would claim that they volunteered to perform the initiative for public confidence reasons, even though it was beyond our regulatory requirements.

>>> Michael Weber 08/06/2007 12:35 PM >>>

Thanks, Bruce. Kevin O'Sullivan, FSME, met this morning with me and NMSS staff regarding our concerns about the proposed rule. Based on our discussion, I am now prepared to re-concur with the proposed rule. First, he clarified that 20.1406 (a) and (b) had already been proposed and will be finalized as Part 20 conforming amendments associated with the Part 52 final rule (that was news to me!), so the existing 20.1406 stays pretty much in tact with minor modifications to add the subsections and to recognize ESPs and component manufacturing. As a result, I understand that the existing exclusion of renewals for this part of the rule remains in place.

With respect to whether existing licensees will be required to provide more information, you are correct that the rule is being modified with 20.1406(c) and 20.1501(a)(2)(ii) to clarify that licensees need to conduct sufficient subsurface characterization to support decommissioning planning and cost estimates. Kevin showed me text that states that additional information should not be required of the fuel cycle licensees because they have already collected sufficient characterization data to update and validate the decommissioning cost estimates. A similar situation may exist for the power reactor licensees, where they may have already collected sufficient information to meet the new requirements under existing requirements (e.g., the NEI Groundwater Monitoring Initiative). However, the justification for the new requirements is to make it clear that Part 20 requires this information, if there was any doubt before.

Based on our discussion, Kevin committed to revise the FR text in section A to clarify why the new requirements were needed and how this could be seen as a departure from the widespread agreement achieved back in the LTR with respect to operating facilities and why such a departure is justified. We also recognized that the guidance FSME staff is developing to implement 20.1406(c) is not ready for prime time, needs improvements to make it clear what

information is and is not needed (consistent with the Commission SRM), and that a workshop would be justified with NEI, Fuel Cycle Facilities Forum, and other stakeholders if the proposed rule and guidance are published.

Given the level of interest associated with the proposed rule, it might make sense to have a management meeting between the offices to discuss these topics and next steps.

>>> Bruce Boger 08/06/2007 12:03 PM >>>

I have reviewed the proposed Decommissioning Planning Rule Change package and have discussed it with NRR and FSME staff. I am prepared to provide a recommendation for NRR concurrence on the financial assurance portions of the proposal. However, I am not able to recommend concurrence on the proposed changes to 20.1406. I understand that NMSS has a similar concern over the proposed rule. Part of the logic used to support the rule change is the premise that the current Part 20 requires licensees to minimize contamination of their facilities. We don't agree with the premise, but even if it is true, it undermines the need for a rule change. In addition, changing the term "radioactive material" to "residual radioactivity" in 20.1501(a)(2)(ii) would also increase the requirements on current reactor licensees. I also don't believe the package adequately addresses the impact this change would have on all power reactors (since we have removed the license renewal exception contained in the current rule) and I don't believe the degree of impact of the proposed wording changes is understood by the reactor community. Perhaps we can chat.

CC: Case, Michael; Chen, Yen-Ju; Collins, Elmo; Delligatti, Mark; Giitter, Joseph; Johnson, Timothy; Leeds, Eric; Miller, Charles; O'Sullivan, Kevin; Pedersen, Roger; Wharton, L Raynard; Wiggins, James

Mail Envelope Properties (46B8DB67.F90 : 3 : 10270)

Subject: Re: RESPONSE - Decommissioning Planning Rule Change
Creation Date Tue, Aug 7, 2007 4:51 PM
From: Bruce Boger

Created By: BAB2@nrc.gov

Recipients

nrc.gov

JGG CC (Joseph Giitter)

nrc.gov

MJC CC (Michael Case)

nrc.gov

EEC CC (Elmo Collins)

MSD CC (Mark Delligatti)

YJC CC (Yen-Ju Chen)

nrc.gov

TCJ CC (Timothy Johnson)

nrc.gov
CLM1 CC (Charles Miller)
EJL CC (Eric Leeds)

nrc.gov
GCP (George Pangburn)
KRO2 CC (Kevin O'Sullivan)
RLP1 CC (Roger Pedersen)

nrc.gov
JTW1 CC (James Wiggins)
LRW CC (L Raynard Wharton)
MFW (Michael Weber)

Post Office	Route
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	nrc.gov

Files	Size	Date & Time
MESSAGE	5073	Tuesday, August 7, 2007 4:51 PM

Options
Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results
Message is not eligible for Junk Mail handling
Message is from an internal sender

Junk Mail settings when this message was delivered
Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: Patrice Bubar
To: Catherine Haney
Date: Wed, Sep 19, 2007 2:01 PM
Subject: Re: Decommissioning Rule

Cathy thanks. Do you want to initial on the package and we will come pick it up?

Patrice Bubar, PE
Deputy Director
DILR/FSME/USNRC
Phone: 301-415-8125
Fax: 301-415-3502

>>> Catherine Haney 09/19/2007 1:05 PM >>>
Looked at this am and discussed with Wiggins and Dyer.
You have NRR concurrence - use my initials (ch).

Mail Envelope Properties (46F163E0.3FD : 6 : 8348)

Subject: Re: Decommissioning Rule
Creation Date Wed, Sep 19, 2007 2:01 PM
From: Patrice Bubar

Created By: PMB3@nrc.gov

Recipients
nrc.gov
CXH (Catherine Haney)

nrc.gov
KRO2 CC (Kevin O'Sullivan)

Post Office Route
nrc.gov
nrc.gov

Files Size Date & Time
MESSAGE 3676 Wednesday, September 19, 2007 2:01 PM

Options
Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results
Message is not eligible for Junk Mail handling
Message is from an internal sender

Junk Mail settings when this message was delivered
Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: Michael Weber
To: Bruce Boger; George Pangburn
Date: Mon, Aug 6, 2007 12:35 PM
Subject: **RESPONSE** - Decommissioning Planning Rule Change

Thanks, Bruce. Kevin O'Sullivan, FSME, met this morning with me and NMSS staff regarding our concerns about the proposed rule. Based on our discussion, I am now prepared to re-concur with the proposed rule. First, he clarified that 20.1406 (a) and (b) had already been proposed and will be finalized as Part 20 conforming amendments associated with the Part 52 final rule (that was news to me!), so the existing 20.1406 stays pretty much in tact with minor modifications to add the subsections and to recognize ESPs and component manufacturing. As a result, I understand that the existing exclusion of renewals for this part of the rule remains in place.

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>>> Bruce Boger 08/06/2007 12:03 PM >>>

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it undermines the need for a rule change. In addition, changing the term "radioactive material" to "residual radioactivity" in 20.1501(a)(2)(ii) would also increase the requirements on current reactor licensees. I also don't believe the package adequately addresses the impact this change would have on all power reactors (since we have removed the license renewal exception contained in the current rule) and I don't believe the degree of impact of the proposed wording changes is understood by the reactor community. Perhaps we can chat.

CC: Charles Miller; Eric Leeds; James Wiggins; Joseph Giitter; Kevin O'Sullivan; L Raynard Wharton; Mark Delligatti; Michael Case; Roger Pedersen; Timothy Johnson; Yen-Ju Chen

Mail Envelope Properties (46B74DB9.595 : 5 : 35340)

Subject: RESPONSE - Decommissioning Planning Rule Change
Creation Date Mon, Aug 6, 2007 12:35 PM
From: Michael Weber

Created By: MFW@nrc.gov

Recipients

nrc.gov

JGG CC (Joseph Giitter)

nrc.gov

BAB2 (Bruce Boger)

MJC CC (Michael Case)

nrc.gov

MSD CC (Mark Delligatti)

YJC CC (Yen-Ju Chen)

nrc.gov

TCJ CC (Timothy Johnson)

nrc.gov

CLM1 CC (Charles Miller)

EJL CC (Eric Leeds)

nrc.gov

GCP (George Pangburn)

KRO2 CC (Kevin O'Sullivan)

RLP1 CC (Roger Pedersen)

nrc.gov

JTW1 CC (James Wiggins)

LRW CC (L Raynard Wharton)

Post Office

Route

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Files Size Date & Time
MESSAGE 4333 Monday, August 6, 2007 12:35 PM

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling
Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: Carolyn Lauron
To: Kevin O'Sullivan
Date: Thu, Aug 16, 2007 8:57 AM
Subject: NRO Concurrence Complete - NRO YT 07-0104, Proposed Rule:
Decommissioning Planning

Hi Kevin -

This email confirms that NRO Action (Concurrence) is complete for this item and that the package was dropped off with you this morning. The package was concurred on 08/15/2007 by Jim Lyons for NRO.

I've copied below the comments from Steve Schaffer, NRO/DCIP and Tom Fredrichs, NRO/DSER.

Thanks,
Carolyn
2736

>>> Steven Schaffer 8/15/07 17:07 >>>

Carolyn,

I'm sorry for not responding sooner. After the meeting with Glenn T., I thought you were going to get the info from another means. Anyway, based on

the discussions in the meeting, DCIP recommends that NRO concur because the current 20.1406 already applies to COL applicants. The new rule doesn't change the applicability for new reactor applicants, but would only clarify the requirements for specific monitoring of subsurface soil and groundwater within the site boundary.

Regards,
Steve

>>> Thomas Fredrichs 8/8/07 11:43 >>>
Carolyn,

The proposed rule will amend financial assurance requirements for materials licensees in parts 30, 40, 70, and 72. It will add decommissioning cost reporting and spent fuel management cost reporting for decommissioning reactors. It will extend the minimization of contamination and facilitation of decommissioning requirements of 10 CFR 20.1406 to existing licensees - reactors and materials.

10 CFR 20.1406 (issued in 1996 and amended in 2007) already applies to new reactors (and other new licensees). Research recently developed guidance to implement the rule for new reactors.

The decommissioning planning proposed rule does not affect new reactors. I have no comments.

Tom F.

CC: Lee Berry; Liz Langlie; Mark Delligatti

Mail Envelope Properties (46C449A2.9E0 : 4 : 35114)

Subject: NRO Concurrence Complete - NRO YT 07-0104, Proposed Rule:
Decommissioning Planning
Creation Date Thu, Aug 16, 2007 8:57 AM
From: Carolyn Lauron

Created By: CLL@nrc.gov

Recipients

nrc.gov

LGB CC (Lee Berry)

nrc.gov

MSD CC (Mark Delligatti)

nrc.gov

EXL3 CC (Liz Langlie)

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office Route

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Files Size Date & Time
MESSAGE 2520 Thursday, August 16, 2007 8:57 AM

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling
Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: Francis Cameron
To: Kevin O'Sullivan; Mark Delligatti
Date: Tue, Jul 31, 2007 4:16 PM
Subject: NLO on decommissioning plan Comm paper

Mark, Kevin:

We are providing our No Legal Objection on the Commission Paper and supporting documents for the decommissioning planning rule, subject to a few changes (redline/strikeout provided). I've described the substantive changes below:

We've deleted references to the "site boundary" from the proposed regulations and the rest of the package, and replaced them with more general refs to "onsite" or "the site." This is due to statements made in a 2003 SOC regarding the term "site boundary" (68 FR at 19714, 4/22/03, published in connection with the 50.83 PSR rule), which has not to date been used in Subpart E of part 20. While it is a part 20 defined term, it was added to support the concept of a controlled area, which is not applicable to all NRC licensees. For part 50 licensees, the term has been applied for emergency planning purposes and to define the point when effluents must meet part 20 requirements, but has not been applied in a decommissioning context.

The change makes 20.1406(c) internally consistent, and makes both 1406(c) and 20.1501(a) consistent with how the existing part 20 term "residual radioactivity" is defined.

Another change (consistent with our comments on earlier drafts) is moving the full text of the 1406(c) and 1501(a) regs upfront to Section II.A of the SOC.

Several changes to the draft EA to make it consistent with the other parts of the package.

If you have any questions, please contact me or John Hull.

Chip

CC: John Hull

Mail Envelope Properties (46AF9883.33F : 15 : 35412)

Subject: NLO on decommissioning plan Comm paper
Creation Date Tue, Jul 31, 2007 4:16 PM
From: Francis Cameron

Created By: FXC@nrc.gov

Recipients
nrc.gov
MSD (Mark Delligatti)

nrc.gov
JTH CC (John Hull)

nrc.gov
KRO2 (Kevin O'Sullivan)

Post Office Route
nrc.gov
nrc.gov
nrc.gov

Files Size Date & Time
MESSAGE 2143 Tuesday, July 31, 2007 4:16 PM

Options
Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results
Message is not eligible for Junk Mail handling

Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled

From: RidsFsmeOd - Barbara Fleming (RidsFsmeOd)
To: O'Sullivan, Kevin
Date: Mon, Jul 30, 2007 1:27 PM
Subject: Fwd: Electronic Distribution of Review and Concurrence

Kevin,

Here is response to a document on which you are listed as the contact. I have not given this item to anyone else. If you wish to have these comments shared with others, please let me know and I'll be happy to make distribution.

Barbara

>>> Brandon Cherry 7/30/2007 11:00 AM >>>

SUBJECT: REVIEW AND CONCURRENCE: DECOMMISSIONING PLANNING PROPOSED RULE
(3150-AH45)

Originator: W Ott

Please see ADAMS package number: ML072060454.

Mail Envelope Properties (46AE1F64.55A : 15 : 11328)

Subject: Fwd: Electronic Distribution of Review and Concurrence
Creation Date Mon, Jul 30, 2007 1:27 PM
From: RidsFsmeOd - Barbara Fleming (RidsFsmeOd)

Created By: RidsFsmeOd@nrc.gov

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office Route

nrc.gov

Files Size Date & Time

MESSAGE 1079 Monday, July 30, 2007 1:27 PM

TEXT.htm 766

ML072060454.APK 107 Monday, July 30, 2007 10:54 AM

Options

Expiration Date: None

Priority: Standard

ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling
Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: Jack Whitten
To: Kevin O'Sullivan
Date: Mon, Jul 30, 2007 5:57 PM
Subject: ACT: 7-11-07, Memo_Subject: Review and Concurrence:
Decommissioning Planning Proposed Rule

Kevin//

Dr. Blair Spitzberg, Chief, Fuel Cycle and Decommissioning Branch and I have reviewed the 7-11-07 memo and attachments and have no comments. Both Dr. Spitzberg and I concur on the proposed rule and note that the rule, as written, is very comprehensive. If any addition information is needed, please contact us. We appreciate the opportunity to review and comment on such and important rule.

This e-mail response closes Region IV Action Item 07-249.

Thx//JackW

Jack E. Whitten, Chief
Nuclear Materials Licensing Branch
U.S.N.R.C. Region IV
Division of Nuclear Materials Safety
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011

(817) 860-8197 - Telephone
JEW1@NRC.gov
(817) 860-8263 - Facsimile

CC: B Sue Trifiletti; Connie Spagnoli

Mail Envelope Properties (46AE5EB0.141 : 2 : 58929)

Subject: ACT: 7-11-07, Memo_Subject: Review and Concurrence:
Decommissioning Planning Proposed Rule
Creation Date Mon, Jul 30, 2007 5:57 PM
From: Jack Whitten

Created By: JEW1@nrc.gov

Recipients

nrc.gov

BST1 CC (B Sue Trifiletti)

CMS CC (Connie Spagnoli)

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office

Route

nrc.gov

nrc.gov

Files

Size Date & Time

MESSAGE 1531 Monday, July 30, 2007 5:57 PM

Jack Whitten.vcf 400 Monday, July 30, 2007 4:57 PM

Options

Expiration Date: None

Priority: Standard

ReplyRequested: No

Return Notification: None

Concealed Subject: No

Security: Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling

Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled

From: Maria Schwartz
To: Kevin O'Sullivan
Date: Fri, Jul 27, 2007 3:27 PM
Subject: OE's concurrence on Proposed Rulemaking re Decommissioning Planning

Kevin,

OE has reviewed the package you provided. I have given you several suggested

revisions to the document but there are no enforcement issues. Therefore, OE provides its concurrence on this document.

Maria

CC: David Solorio

Mail Envelope Properties (46AA4712.4F3 : 19 : 35100)

Subject: OE's concurrence on Proposed Rulemaking re Decommissioning Planning

Creation Date: Fri, Jul 27, 2007 3:27 PM

From: Maria Schwartz

Created By: MES@nrc.gov

Recipients

nrc.gov

DLS2 CC (David Solorio)

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office

Route

nrc.gov

nrc.gov

Files

Size Date & Time

MESSAGE 616 Friday, July 27, 2007 3:27 PM

Options

Expiration Date: None

Priority: Standard

ReplyRequested: No

Return Notification: None

Concealed Subject: No

Security: Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling

Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled

From: Heather Murray
To: Kevin O'Sullivan
Date: Thu, Jul 26, 2007 6:18 PM
Subject: OCFO 2007-362/ DPBA 2007-236 Decommissioning Planning Proposed Rule (3150-AH45)

Kevin,

Les Barnett, OCFO/DPBA Director, has reviewed the above referenced ticket titled "Decommissioning Planning Proposed Rule (3150-AH45)" and concurs.

This e mail officially concurs on the paper and closes out this ticket. If you have any questions/concerns, please don't hesitate to contact me at 415-0679.

Regards,
Heather

Heather L. Murray
Program Analyst
OCFO/DPBA/PAT II
Phone: 301-415-0679
E-mail: hlml@nrc.gov

CC: Erikka Legrand; Laura Waggoner; Leslie Barnett; Sharon Hudson; Tammy Croote

Mail Envelope Properties (46A91DB3.95C : 11 : 8512)

Subject: OCFO 2007-362/ DPBA 2007-236 Decommissioning Planning Proposed Rule (3150-AH45)

Creation Date Thu, Jul 26, 2007 6:18 PM

From: Heather Murray

Created By: HLM1@nrc.gov

Recipients

nrc.gov

LWB CC (Leslie Barnett)

nrc.gov

TXC1 CC (Tammy Croote)

nrc.gov

SMH CC (Sharon Hudson)

nrc.gov

EJL1 CC (Erikka Legrand)

nrc.gov
KRO2 (Kevin O'Sullivan)

nrc.gov
LMW5 CC (Laura Waggoner)

Post Office	Route
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	nrc.gov

Files	Size	Date & Time
MESSAGE	1120	Thursday, July 26, 2007 6:18 PM

Options
Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results
Message is not eligible for Junk Mail handling
Message is from an internal sender

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