April 10, 2009

ALL AGREEMENT STATES, MICHIGAN, NEW JERSEY

INFORMATION REQUEST: STATUS OF CURRENT COMPLEX DECOMMISSIONING AND URANIUM RECOVERY SITES (FSME-09-024)

Purpose: To update information on the status of decommissioning activities at materials and uranium recovery sites. This information will be used to update the Nuclear Regulatory Commission's (NRC's) annual report titled, "Status of the Decommissioning Program," as well as the NRC's public website.

Background: Since the early 1990's, the NRC has prepared an annual report providing the status of NRC's decommissioning program. In 2006, the Commission directed the staff to expand its discussion of Agreement State decommissioning/reclamation activities to present a national perspective on decommissioning. With this in mind, the NRC staff requested that the Agreement States provide a listing of all "complex" sites undergoing decommissioning and a listing of uranium recovery sites undergoing reclamation, for inclusion in NRC's annual report, "Status of the Decommissioning Program." NRC regards complex sites as those that are required to provide a decommissioning plan or sites that require formal NRC or State approval prior to being decommissioned. Last year, NRC staff requested and received site summaries for all complex materials sites and uranium recovery sites undergoing decommissioning in the Agreement States. NRC staff subsequently placed the information into a database for publication on NRC's public website to ensure openness and provide a national perspective on decommissioning. In future reports to the Commission, the NRC's decommissioning program would like to continue to present a national perspective on decommissioning, which would include current information from the Agreement States on each of their complex decommissioning and uranium recovery sites. A potential savings of effort can be made if information updates for Agreement State sites are made directly into an NRC created database of site summaries.

Discussion: We are requesting your assistance by asking that you provide a point-of-contact so that usernames and passwords may be issued to your staff for the purposes of updating Agreement State decommissioning site information. In addition, please provide the information requested in the enclosure. If you do not have any decommissioning or uranium recovery sites,

please so indicate in your response. We would appreciate receiving your response* within 30 days of the date of this letter.

NRC Point of Contact: Please have the designated State point-of-contact direct all responses and questions with respect to this correspondence to Richard Chang or Kim Conway, Office of Federal and State Materials and Environmental Management Programs, at the telephone numbers or e-mail addresses listed.

POINT OF CONTACT: Richard Chang
TELEPHONE: 301-415-7188
INTERNET: Richard.Chang@nrc.gov
FAX: (301) 415-5397

POINT OF CONTACT: Kimberly Conway
TELEPHONE: 301-415-1335
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/RA/

Robert J. Lewis, Director
Division of Materials Safety
and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
Current Complex Decommissioning
and Uranium Recovery Sites

* This information request has been approved by OMB 3150-0206, expiration 03/31/2011. The estimated annual burden per response to comply with this voluntary collection is approximately 20 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 (3150-0206), 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.

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Current Complex Decommissioning and Uranium Recovery Sites

For each site in each Agreement State, please provide:

- A designated point-of-contact for updating site summaries (requested within 14 days of the date of this letter)
- Updated site summaries for each current complex decommissioning and uranium recovery site (requested within 30 days of the date of this letter)
- Financial assurance status information (requested within 30 days of the date of this letter)

A Point-of-Contact

Please provide a designated point-of-contact and associated contact information (e.g., e-mail address, and telephone number) so that the U. S. Nuclear Regulatory Commission (NRC) staff may issue them a username and password for the Site Summaries Database. This will allow for easier updates to each Agreement State's site summaries. Access and use of the password for the site summary database should be limited to the point-of-contact or their designees to reduce the possibility of database corruption.

Updated Site Summaries for Each Current Decommissioning Site

For your convenience, site summaries provided to the NRC in 2008 are available for updating on the Site Summaries Database. If preferred, a letter or e-mail with updated site summaries could be used to respond to this request.

For any new decommissioning sites, please discuss the site operational status, type of operational activity under license or authorization, past owners, past history of transfers, related authorized activities, areal size & configuration, types of materials under control, cleanup criteria, significant radionuclides, types and volumes of contaminated media, dates and progress of any remedial or decontamination activities, release provisions (e.g., for unrestricted use or restricted use), institutional control provisions, other Federal or State agencies' involvement (e.g., partial site under Comprehensive Environmental Response, Compensation, and Liability Act mandate), inspection history and noteworthy characteristics of site and contamination (e.g., arid conditions; groundwater quality class). Examples of site summaries for NRC-licensed complex decommissioning are available at URL: http://www.nrc.gov/info-finder/decommissioning/complex/.

Financial Assurance Status

Under a separate letter or e-mail, please address the financial assurance arrangement (e.g., prepayment, surety, insurance, guarantee, external sinking fund, or statement of intent) with respect to each complex facility's decommissioning plan or uranium recovery site reclamation plan. This should describe the sufficiency of the financial instrument for assuring completion of

decommissioning or reclamation. Include information about the entity responsible for decommissioning. To the extent that it is available, the description should track the original

financial assurance estimate and changes over the lifetime of the operation to keep the financial assurance instrument up-to-date. If the site will be a restricted release site, then the provisions to provide financial assurance should also be discussed. For all of the complex sites and uranium recovery sites undergoing decommissioning/reclamation, please indicate whether there is a plan for assuring the availability of adequate funds for completion of decommissioning/reclamation. Due to the potentially proprietary nature of this information, please do not input this information into the Site Summaries Database.

In collecting this information for each complex decommissioning site, the Agreement State is requested to indicate whether there are any licensees or site owners who do not have sufficient funds to complete decommissioning/reclamation. If so, please address the following questions:

1) What is the site's name, location, and license status?

2) Is the site owner a licensee?

3) What is the estimated cost of decommissioning/reclamation? Do you rely on the site owner's cost estimate, or have you done an independent estimate?

4) How much financial assurance has the site owner provided? (It would be considered inadequately financed if the amount of financial assurance is less than the estimated decommissioning/reclamation cost.)

5) Does the site owner have access to funds in addition to its financial assurances, such that it is possible that the owner will complete decommissioning/reclamation?

6) What are the primary radionuclides and estimated volume of contaminated material?

7) What actions have been taken to encourage the site owner to either complete decommissioning/reclamation or provide financial assurance adequate to cover the decommissioning/reclamation cost estimate?

8) What issues are pending and what is the path forward to obtain adequate funds and/or financial assurance?

How Financial Information Will Be Treated

The financial information provided in response to this letter shall be treated as confidential, if so requested by the transmittal letter responding to this information request. The NRC confidentiality provisions are addressed in 10 CFR 2.390 and 10 CFR 9.17. If the supplied financial information is to be treated as sensitive, an affidavit must accompany the transmittal, as specified in 10 CFR 2.390(b).

Please note that should any Freedom of Information Act or similar State-equivalent provision for releasing information to the public be invoked within an Agreement State regarding financial information of an NRC-materials licensee or NRC-regulated materials site undergoing decommissioning, the Agreement State will refer such requests to the NRC. The NRC will consult with the relevant Agreement State authority in responding to any such request for Agreement State controlled materials sites undergoing decommissioning.

Information on the status of financial assurance for any NRC-controlled materials facility undergoing decommissioning would be circulated under the provisions of Office of Federal and State Materials and Environmental Management Programs Procedure SA-800, as Radiation Control Program Directors (RCPD) letters. This financial status information is considered Sensitive Unclassified Non-Safeguards Information (SUNSI), because it may be designated as proprietary information at the licensee's or site owner's formal request. Such information containing SUNSI is provided to Agreement States that can protect the information from public disclosure on a "need-to-know" basis only, and in accordance with NRC Management Directive (MD) 3.4, Release of Information to the Public. Whether the Agreement State can provide this degree of protection or not must be formally stated in reply to this letter. Should the Agreement State not be able to provide this protection, NRC-controlled decommissioning site financial status information will be withheld from that Agreement State. For those NRC-controlled decommissioning sites not requesting that financial assurance information be withheld, the financial assurance status will be routinely provided to all of the Agreement States.

Additional Information

Please feel free to include any additional information that you feel will assist in understanding the types of facilities that are being decommissioned/reclaimed in your State and any issues associated with the decommissioning/reclamation of these sites.