

June 26, 2009

Questions on Decommissioning plan for Shieldalloy (SMC)

1. When did SMC 1st submit decommissioning plan
2. When did we respond?
3. How did we respond?
 - a. Did we accept plan or reject it?
 - b. What types of limitations were on it if we accepted it?
 - c. What did we ask SMC to do?
 - d. What was/is SMC then supposed to submit?
4. Confirm status of decommissioning plan
 - a. Official one with NRC?
 - b. Waiting on a new one?
 - c. Are they just revising the previously submitted plan?
5. What was public meeting about that was held several months ago?
 - a. I can't remember the time period – I recall an "open house" here at HQs in RPDC
 - b. What was stage of process when this meeting was held?
6. Understand that there is a hearing request before the licensing board
 - a. Joan is looking at that information
 - b. Staff has to report every quarter on activities
 - c. Apparently Board is questioning – delays on both sides – NRC and SMC

Meeting on 6/26/2009:

- Met with Jack Hayes, Robert Johnson, and Dennis
- Discussed the general concepts of the SMC comments – general approach to how we will address them – though we're still drafting them
- Went through the schedule of the DP – SMC and NRC actions – very general
- With the hearings and lawsuit, it has slowed the staff down somewhat – work in responses to that
- Overall view by DWM staff – SMC does not have a lot of experience in the decommissioning area, the site is complex, and much of the activities related to the decommissioning are new – having to develop sampling methodology, new analysis techniques given the nature of the material and the site.
- Below is a table outlining dates of activities and what the activities are.

Outline of Activities

Date	Activity	Comment
8/2001	SMC notified NRC it ceased production activities using source material	
8/27/2001	Formal notice from SMC if intent to decommission	
11/4/2002	License amended to authorize only decommissioning activities	
8/30/2002	SMC decommissioning plan (DP), received on 9/11/2002	Rejected by NRC because of deficiencies
		Phased approach to discuss and seek agreement on SMC's approach to institutional controls and financial assurance before conducting work needed to address DP deficiencies
5/1/2003	SMC submitted a revised license renewal application	
5/2004	Provided guidance to SMC re: DP, license termination	NRC worked with SMC regarding the guidance and what was needed for the DP
6/29/2004	NRC met with SMC to ensure they understood guidance	
10/2005	SMC submitted a revised DP	
1/2006	NRC reviewed DP and rejected the DP	
3/2006	NRC met with SMC to discuss deficiencies in the DP	
4/2006	Site visit to SMC to discuss erosion control design	
6/2006	SMC submitted supplement to DP	
10/2006	NRC completed acceptance review and determined licensees provided sufficient information to proceed with technical review	
11/17/2006	FRN notice by NRC announcing receipt of the DP	Included information on opportunity to request a hearing on the licensee's DP
	7 petitioners filed; ASLB panel established to rule; 6 petitioners denied; NJDEP was granted.	
	NJDEP petition – only 1 of 17 contentions was admitted; deferred ruling on other contentions and deferred all other proceedings pending completion of the NRC staff's environmental and safety reviews	
Not sure of date	NJ filed suit in US court of appeals for 3 rd circuit – challenging NRC issuance of revision to NUREG-1757 (the guidance)	
12/5/2006	NRC held public information meeting in NJ	
12/12/2006	NRC held environmental impact statement scoping meeting in NJ	
3/10/2007	NRC sent request for additional information (RAI) regarding environmental issues	

Date	Activity	Comment
4/26/2007	SMC sent response to RAI	
7/5/2007	NRC sent information on its development of safety-related RIAs	Not sure what this was about
		NRC allowed SMC 120 days to respond to RAI because of the required environmental sampling and laboratory work that can't be completed in 30 days (the normal response time)
		If the information submitted by SMC is insufficient for the NRC to complete its safety evaluation report and EIS, NRC may suspend review of DP
8/2007, 9/2007, 10/2007	NJ staff participated in conferences as observers and allowed opportunity to comments or ask questions	
11/11/2007	SMC submitted partial response to the RIAs	
2/2008 and 3/2008	NRC held calls with SMC to discuss response	Need for leach rate testing identified; agreed to by SMC
5/21/2008	Court dismissed suit due to lack of jurisdiction	
6/2008	SMC began sampling for leach tests	Note leach tests are not in with NRC yet; overdue per DWM
8/21/2008	SMC submitted draft engineered barrier design report for assessment	
9/25/2008	NRC staff, by teleconference, discussed comments on their assessment of drafted engineered barrier design report	
9/30/2008	NRC held open house in NJ to inform stakeholders of status	Discussed site characterization, radiological dose assessment, long term and institutional controls and project management
11/19/2008	NRC staff held public meeting in N	Discussed potential RIAs with licensee
2/17/2009	NRC submitted official RIAs	
3/17/2009	SMC responded to RIAs	Included additional information which were part of the 2/17/2009 NRC RAI letter