

June 28, 2011

TO: Stakeholders Interested In Regulation of Subsurface Contamination and Decommissioning Financial Assurance

SUBJECT: NOTICE OF AN UPCOMING WEBINAR AND REQUEST FOR COMMENTS ON CONSIDERATION OF RULEMAKING TO ADDRESS PROMPT REMEDIATION OF RESIDUAL RADIOACTIVITY DURING OPERATIONS

The U.S. Nuclear Regulatory Commission (NRC) is seeking input from the public, licensees, Agreement States, non-Agreement States, and other stakeholders on a potential rulemaking to address prompt remediation of residual radioactivity during the operational phase of licensed material sites and nuclear reactors. While the NRC has not initiated a rulemaking on this subject, we are gathering information and seeking input for developing a technical basis document. To facilitate the public's and other stakeholders' understanding of these issues and submission of informed comments, the NRC staff has scheduled a public webinar on July 25, 2011 from 1:00 pm to 5:00pm (EST).

A *Federal Register* Notice (FRN) will soon be published with details on the webinar. The FRN will discuss the potential rulemaking and solicit stakeholder input on specific questions. The FRN will include information on how to register to participate in the webinar. The webinar notice, agenda, and the staff's draft Proposal Technical Basis for Rulemaking will be posted in advance of the webinar at: <http://www.nrc.gov/public-involve/public-meetings/index.cfm>.

### Background

NRC recently published the Decommissioning Planning Rule (76 *FR* 35512, June 17, 2011). That rule provides a risk-informed approach to identifying radiological contamination, especially in the subsurface, that could cause an increase in cost of decommissioning that may impact a licensee's ability to pay to remediate and ultimately terminate the license. This rule applies to the operational phase of a facility life, and requires licensees to operate in a way to minimize spills, leaks and other unplanned releases to the environment. It also requires licensees to check periodically for contamination throughout the site, including in subsurface soil and ground water. It does not have a mandatory requirement for licensees to conduct remediation during operations. In approving the rule, the Commission directed the staff to, "...make further improvements to the decommissioning planning process by addressing remediation of residual radioactivity during the operational phase with the objective of avoiding complex decommissioning challenges that can lead to legacy sites." Therefore, the NRC staff has started information gathering and analysis to consider a potential rulemaking requiring prompt remediation during operations.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this information, please contact Chad Glenn by email at [chad.glenn@nrc.gov](mailto:chad.glenn@nrc.gov) or at 301-415-6722.

Sincerely,

**/RA/ by B. VonTill for**

Keith McConnell, Deputy Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Addressees: see next page

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 Division of Waste Management  
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Office	DWMEP	DWMEP	OGC	DWMEP	DWMEP
Name	CGlenn	SAchten	BJones	PMichalak	BVontill for KMcConnell
Date	06/13/2011	06/13/2011	06/23/11	6/22/11	6/28/11

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Addressees:

Stakeholder addresses

Nuclear Energy Institute  
"No particular person"  
1776 I Street NW, Suite 400  
Washington, DC 20006-3708

Stewart Walker  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

David Geiser  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

National Organization of Research and  
Training Reactors  
Listserv - [trtr-list@ecn.purdue.edu](mailto:trtr-list@ecn.purdue.edu)  
Chairman – Jere Jenkins -  
[jere@purdue.edu](mailto:jere@purdue.edu)

Union of Concerned Scientists  
National Headquarters  
Two Brattle Sq.  
Cambridge, MA 02138-3780

Katie Sweeney, National Mining Association  
101 Constitution Ave. NW  
Suite 500 East  
Washington, D.C. 20001

Sierra Club  
National Headquarters  
85 Second Street, 2nd Floor  
San Francisco, CA 94105

Nuclear Fuel Services, Inc.  
1205 Banner Hill Road  
Erwyn, TN 37650

USEC, Inc.  
6903 Rockledge Drive  
Bethesda, MD 20817-1818