

May 28, 2013

Mr. Ralph Anderson
Nuclear Energy Institute
1201 F St., NW, Suite 1100
Washington, DC 20004-1218

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

Dear Mr. Anderson:

The U.S. Nuclear Regulatory Commission (NRC) is seeking additional 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 continuing to gather information and seek input for finalizing a regulatory 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 June 4, 2013 from 12:00 p.m. to 3:00 p.m.

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

In June 2011, NRC published the Decommissioning Planning Rule (76 *FR* 35512, June 17, 2011), with an effective date of December 17, 2012. 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. The 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 requirement that licensees conduct remediation during operations. In approving the Decommissioning Planning 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."

In July 2011, NRC issued a draft technical basis and conducted a webinar to obtain stakeholder input on a potential rule that would mandate remediation during operations under some conditions. Staff revised the basis document by incorporating stakeholder input. Following further NRC review of ground water issues, the Commission directed the staff to obtain additional stakeholder input on a potential rulemaking requiring prompt remediation during operations. Therefore, NRC is issuing a draft regulatory basis for public comment prior to making a recommendation to the Commission on potential rulemaking.

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 James Shepherd by email at James.Shepherd@nrc.gov or at 301-415-6712.

Sincerely,

/RA/

Andrew Persinko, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

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If you have any questions regarding this information, please contact James Shepherd by email at James.Shepherd@nrc.gov or at 301-415-6712.

Sincerely,

Andrew Persinko, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
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Office	DWMEP	DWMEP	DWMEP	OGC	DWMEP
Name	JShepherd	SAchten	BWatson	BJones	APersinko
Date	4/18/13	4/22/13	4/22/13	5/15/13	5/28/13

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Addressees:

Stuart 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
Chairman – Ralph Butler -
ButlerRa@missouri.edu

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

Bruce Watzman, Senior Vice President,
Regulatory Affairs
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