

June 18, 2013

MEMORANDUM TO: Bruce Watson, Chief
Reactor Decommissioning Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Program

FROM: James Shepherd, Project Engineer **/RA/**
Reactor Decommissioning Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Program

SUBJECT: SUMMARY OF PUBLIC WEBINAR REGARDING CONSIDERATION
OF RULEMAKING TO ADDRESS PROMPT REMEDIATION OF
RESIDUAL RADIOACTIVITY DURING OPERATIONS

On June 4, 2013, the U.S. Nuclear Regulatory Commission (NRC) held a public Webinar to seek 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. The NRC is in the process of gathering information and seeking stakeholder input on this subject for the development of a regulatory basis document. The NRC conducted the public Webinar to engage stakeholders to ensure that their comments and concerns are considered by the NRC.

The meeting was noticed on May 23, 2013. The notice is available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams/web-based.html> where the public can access the text and image files of NRC's public documents in the NRC's Agencywide Document Access and Management System (ADAMS). The meeting notice can be found under accession number ML13143A149.

CONTACT: James Shepherd, DWMEP/FSME
301-415-6712

The meeting participants included NRC staff and contractors, members of the power reactor licensee and vendor community, representatives from the Nuclear Energy Institute (NEI), and federal and state agencies. A complete list of participants is provided in Enclosure 2. Enclosure 3 contains the meeting agenda.

Enclosures:

1. Meeting Summary
2. Meeting Attendance List
3. Agenda

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- 3. Agenda

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OFC	DWMEP	DWMEP	DWMEP	DWMEP
NAME	JShepherd	SAchten	BWatson	JShepherd
DATE	6/ 14/13	6/14/13	6/17/13	6/18 /13

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Summary of June 4, 2013, Public Webinar Regarding Consideration of Rulemaking to Address Prompt Remediation of Residual Radioactivity During Operations

On June 4, 2013, the U.S. Nuclear Regulatory Commission (NRC) held a public Webinar to seek 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. The NRC held this meeting to gather information and seek stakeholder input on this subject for the development of a recommendation to the Commission on potential rulemaking. The NRC conducted the public Webinar to engage stakeholders to ensure that their comments and concerns are obtained by the NRC.

The meeting participants included NRC staff and contractors, members of the power reactor licensee and vendor community, representatives from the Nuclear Energy Institute (NEI), and federal and state agencies. A complete list of participants is provided in Enclosure 2. Enclosure 3 contains the meeting agenda.

I. Opening Remarks and Overview Presentation

The Webinar began with brief opening remarks and a PowerPoint presentation by the NRC, summarizing the purpose of the Webinar, providing historical background on the relevant issues, and describing the NRC staff's preferred approach to responding to the Commission. The NRC staff stated that the purpose of this Webinar was to inform the stakeholders about the issues being considered to address prompt remediation and solicit stakeholder input to aid in the development of a recommendation to the Commission on potential rulemaking. The development of a regulatory basis document is required by Staff Requirements Memorandum (SRM), SRM-SECY-07-0177 (ADAMS Accession No. ML073440549), which directed staff to "make 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." Furthermore, in SRM-SECY-12-0046 (ADAMS Accession No. ML121450704), the Commission directed the staff to continue with its development of a regulatory basis and to submit notation vote paper to the Commission that includes the pros and cons of moving forward with a proposed rulemaking to address remediation of residual radioactivity during the operational phase of facility life.

The NRC staff developed a revised Draft Regulatory Basis (ML13109A281) that describes the staff's preferred approach. The NRC staff's preferred approach would be a rulemaking to require licensees to promptly remediate radioactive spills, leaks, and other areas of radioactive concentrations when certain threshold limits are met. This rulemaking approach would use the NRC effluent discharge concentrations as the thresholds for requiring licensee action. The preferred approach also would include a provision allowing licensees to delay remediation when certain conditions are met. To justify delayed remediation, licensees would be required to perform analyses such as dose assessments, risk assessments, and/or cost-benefit analyses for the NRC's review.

II. Discussion

After the presentation, the NRC staff opened up the Webinar for public comment.

Stakeholder Comments on Potential Rulemaking to Address Prompt Remediation of Residual Radioactivity During Operations

Stakeholders asked clarifying questions regarding the applicability of the potential rulemaking. Specifically, one commenter asked if the focus of the rulemaking would be on nuclear power reactors or whether it would potentially apply to material licensees.

Stakeholders also asked clarifying questions regarding the NRC's understanding of the need for the rulemaking. One stakeholder requested that the staff describe the process that NRC used to determine that legacy sites have been created under the existing regulations. A separate stakeholder expressed that a rulemaking is not necessary based on current NRC regulatory authority.

Webinar participants also raised questions regarding the proposed concentrations or doses that would trigger the need to perform prompt remediation. One stakeholder questioned the appropriateness of applying the concentration values in 10 CFR Part 20, Appendix B, Table 2, to on-site ground water that is not accessible by the public. A separate stakeholder raised clarifying questions regarding the use of EPA's drinking water standards as threshold limits triggering prompt remediation.

Stakeholders also asked whether the NRC staff have considered previously provided input to inform the potential rulemaking. In addition, stakeholders stated that the NRC provided limited notice in advance of the Webinar and asked whether the NRC planned on providing other opportunities for stakeholder input.

III. Next Steps

The NRC will continue to accept public comments on the issues discussed in the June 3, 2013, *Federal Register* notice (78 FR 33008) until August 2, 2013. Using the comments received, the NRC staff will develop a SECY paper including the refined regulatory basis, the pros and cons of moving forward with a proposed rulemaking, and a recommendation to the Commission for their review.

June 4, 2013, Public Webinar Regarding Consideration of Rulemaking to Address Prompt Remediation of Residual Radioactivity During Operations

Attendance List

	NAME	AFFILIATION
1	Richard Burklin	AREVA
2	Tammy Kriesel	Arkansas Department of Health
3	Robert Pemberton	Arkansas Department of Health
4	Jana Bergman	Curtis Wright
5	Nicholas Santangelo	Disaster Accountability Project
6	Lee Thomasson	Dominion Resources, Inc.
7	Travis Stills	Energy & Conservation Law Center
8	Bill Spell	Entergy Operations, Inc.
9	Patrick Donahue	Entergy Services, Inc.
10	Brian Littleton	EPA
11	Scott Murray	GE Hitachi
12	John Collier	ICF International
13	Liz Gormsen	ICF International
14	Elizabeth Kurz	ICF International
15	Michael Klebe	Illinois Emergency Management Agency
16	Lance Escher	Morgan Lewis & Bockius
17	Catherine Karczmarczyk	Morgan Lewis & Bockius
18	Ratad Abu-Eid	NRC
19	Sarah Achten	NRC
20	Sheldon Clark	NRC
21	Jacqueline Cook	NRC
22	Duane Schmidt	NRC
23	James Shepherd	NRC
24	Tracey Stokes	NRC
25	Bruce Watson	NRC
26	Shirley Xu	NRC
27	Ralph Anderson	Nuclear Energy Institute
28	Janet Schlueter	Nuclear Energy Institute
29	Kathleen Yhip	Nuclear Energy Institute
30	Jim Colleli	Ohio Department of Health
31	Eric Boeldt	Penn State University
32	Robert Maiers	Pennsylvania Department of Environmental Protection
33	Martin Wright	PG&E DCPD
34	Paul Duke	PSEG Nuclear LLC
35	Darrell Liles	SENES Consultants
36	Johnnie Black	Tennessee Valley Authority
37	Alex Buehrle	U.S. Geological Survey

**AGENDA FOR JUNE 4, 2013 MEETING REGARDING CONSIDERATION OF
RULEMAKING TO ADDRESS PROMPT REMEDIATION DURING OPERATIONS
11:00 a.m. – 4:30 p.m. (EDT)**

AGENDA:

11:00 am – 11:15 am	Introductions/Opening Remarks	NRC
11:15 am – 11:30 am	Overview Presentation	NRC
11:30 am – 12:00 pm	Stakeholder comments on specific questions referenced in Relevant Documents #3	All
12:00 pm – 12:15 pm	Break	All
12:15 pm – 4:00 pm	Continuation of stakeholder comments on specific questions referenced in Relevant Documents #3	All
4:00 pm – 4:15 pm	Other Stakeholder comments	All
4:15 pm – 4:30 pm	Closing Remarks	NRC