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**NUCLEAR REGULATORY COMMISSION**

Title:                   Webinar Regarding Consideration of  
                                  Rulemaking to Address Prompt Remediation  
                                  During Operations

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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WEBINAR REGARDING CONSIDERATION OF RULEMAKING TO  
ADDRESS PROMPT REMEDIATION DURING OPERATIONS

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TUESDAY

JUNE 4, 2013

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The webinar convened at 12:00 p.m. Eastern  
Daylight Time, James Shepherd, Project Engineer, Reactor  
Decommissioning Branch, presiding.

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P-R-O-C-E-E-D-I-N-G-S

12:00 p.m.

1  
2  
3 MR. SHEPHERD: Good morning. This is Jim  
4 Shepherd of the NRC. Welcome to the second seminar of  
5 what we call Prompt Remediation, otherwise known as  
6 Remediation During Operations.

7 Our goal for this meeting is to obtain  
8 stakeholder information, on which we can base a  
9 recommendation to the Commission, about a potential rule  
10 that would mandate remediation during operations.

11 I'll give a brief summary of what the staff  
12 has done so far and what we think should be done in the  
13 future, and then open the meeting to questions and  
14 comments.

15 A couple of administrative items on go-to  
16 the meeting.

17 To hear, please, turn up your speakers, but  
18 mute your microphones.

19 If you're having difficulty hearing through  
20 the computer, the toll free number for the audio is  
21 1-877-309-2074, and you can find the access code in the  
22 information.

23 When we get to the question sections, please  
24 enter your questions in the 'chat' section. You can  
25 enter them at any time, but we will answer them when

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1 we get to the end of the presentation.

2 You can also raise your hand, if you will,  
3 but that is not necessary. Just go ahead and type your  
4 question in.

5 You can use it at any time if you have  
6 administrative questions to ask.

7 By way of background, we began the  
8 decommissioning planning rule with several enthusiastic  
9 discussions within the Advisory Committee on Nuclear  
10 Safety, and decided not to include remediation during  
11 operations, as part of that rule.

12 The staff requirements memo from the 2007  
13 authorization to publish the draft rule said we should  
14 seek public comment, conduct a workshop and define the  
15 criteria to require action on prompt remediation.

16 Since then, and actually beginning in 2006,  
17 there have been a number of ground-water related issues  
18 ongoing in the NRC, and about a year ago, the Office  
19 of Nuclear Reactor Regulation wrote a Commission paper  
20 that specified a half-dozen things that the staff was  
21 currently doing on ground-water, and made a  
22 recommendation that we continue and complete those,  
23 before we do anything else.

24 The staff requirements memo for that paper  
25 directed the staff to go back to the public again on

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1 this idea of prompt remediation, and get further input.

2           Yearly alternatives that the staff  
3 identified was to keep the current practice of  
4 case-by-case decision, which is specific to the fact  
5 and is very flexible, but may not necessarily be  
6 consistent over the range of licensees.

7           Write a specific rule, which would be broad,  
8 but also fairly rigid. We could write a policy that  
9 says it's a good idea to clean up, but policies are not  
10 particularly enforceable, and that does not exactly  
11 respond to the requirements of the staff memo.

12           We held a seminar a year or so ago, and in  
13 my discussions with both the industry and the  
14 non-industry, there is general agreement that cleaning  
15 up sooner is better than later, less agreement on how  
16 we should motivate the industry to do that.

17           One of the major industry comments is that  
18 any changes relative to Part 50 should be dose based.

19           You over-simplify because most everything else in Part  
20 20 is dose based, and the industry is also confirmed  
21 -- concerned with back-fit indications or protections,  
22 depending on how you look at it.

23           The document previously known was a  
24 technical basis, now called a regulatory basis, has a  
25 format similar to an environmental impact statement.

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1 We identified four alternatives. First is  
2 to require remediation if the calculated dose exceeded  
3 a protected limit.

4 Second, to require analysis if  
5 concentrations exceeded Table 2 of Appendix B.

6 Third is to write a policy that the staff  
7 would amend the license, and fourth was to continue the  
8 current case-by-case approach.

9 The staff's opinion is requiring an  
10 analysis at some measured concentration is the preferred  
11 alternative. It would not require licensees to  
12 immediately remediate.

13 What it would require is that licensees  
14 write down what the scope of the problem is, what they  
15 intend to do about it, and when they intend to do it,  
16 and if they're going to do it later, how they're going  
17 to collect the money to pay for it.

18 The public webinar we held, or we are  
19 holding today, is the first step. We will write a  
20 Commission paper by early September. The public comment  
21 period for written comments closes in a month.

22 There will be an internal review. The  
23 paper will go forward to the Commission. The Commission  
24 will consider it in due time, and inform us of what steps  
25 we should take next.

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1 In the budget, there is currently an  
2 allocation for potential rule-making beginning in fiscal  
3 2015.

4 So, what we hope to get today is your opinion  
5 on, should we start a new rule at all? If we have a  
6 rule, what should it require, and most importantly, why  
7 should it require that?

8 So, with that brief presentation, I will  
9 open the floor to questions and comments. You may either  
10 type your message into the comment period, or if you're  
11 only on the bridge line, press -- or unmute your speaker,  
12 and press the button to get our attention.

13 Any questions or comments?

14 MR. MURRAY: Scott Murray with GE Hitachi.

15 MR. SHEPHERD: Okay, hang on just a second,  
16 Scott.

17 For those of you just on the phone, the  
18 question is, NEI had previously submitted answers to  
19 similar questions in 2011. How was this input  
20 considered in moving forward with the proposed  
21 rule-making?

22 The input from the industry and all of the  
23 other comments was used in refining the 2011 technical  
24 basis into what is now called a Regulatory Basis, of  
25 which there is a publically available copy.

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1           The information was put into the  
2 formulation of the alternatives in the evaluation by  
3 the staff.

4           MR. MURRAY: This is Scott Murray, again.

5           I'm sorry, that's specific. NRC started the rule and  
6 was answered saying that industry is permitted to  
7 planning, funding and conducting decommissioning.

8           The industry is not opposed to properly  
9 justifying improvements in this regulatory framework.

10           So, basically, what we were suggesting  
11 years ago, was to start a rule, and the answer was 'no'  
12 it's not required and necessary, and unfortunately, that  
13 answer, that is considered.

14           MR. SHEPHERD: This is Jim. I would say  
15 your conclusion is a little over-stated.

16           While we have not withdrawn the activity  
17 at this point, the industry's opinion certainly will  
18 be considered in the recommendations in the Commission  
19 paper, that will go forward in September.

20           But the industry is not the only one who  
21 has an opinion on the subject.

22           The basis for industry comment on the  
23 previous basis two years ago, was that there has not  
24 been a legacy site under the existing regulations,  
25 explain how NRC reached a different conclusion.

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1 Well, the simple answer is, we haven't  
2 reached a conclusion yet. There will be a staff  
3 recommendation that goes to the Commission, who will  
4 tell us what we actually think.

5 So, there is not a firm NRC position, at  
6 this time.

7 Sounds like I'm avoiding the question, but  
8 not really. We are still evaluating all of the input.

9 COURT REPORTER: Excuse me, this is the Court  
10 Reporter interrupting.

11 MR. SHEPHERD: Sure, it gets factored in,  
12 and properly recorded, in this iteration.

13 COURT REPORTER: This is the Court Reporter  
14 interrupting.

15 The last comments were not audible on the  
16 telecon bridge.

17 PARTICIPANT: Which part did you miss? The  
18 stakeholder input or our input?

19 COURT REPORTER: The stakeholder input.  
20 I heard something about 'soil', and that is about the  
21 only English word I recognized, from the -- the volume  
22 was just too low to capture it.

23 MR. SHEPHERD: Scott, this is Jim Shepherd.  
24 Can you repeat your comment, for the benefit of the  
25 recorder, please?

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1 MR. MURRAY: Yes, I'll try. The one  
2 additional requirement that was not in the industry  
3 comments from 2011, is that now, with the implementation  
4 of the new decommissioning planning rule, for which there  
5 are several parts of -- I guess, specifically Part 70  
6 fuel cycle, we now are required to update the  
7 decommissioning funding plan on a triennial basis,  
8 including the cost estimates for remediation, and  
9 including in that decommissioning funding plan, an  
10 estimate of the sub-surface -- all of the sub-surface  
11 soil, for example, it must be remediating.

12 So, the prompt remediation rule in the  
13 comments we provided, I don't believe now takes into  
14 account, this new requirement in the decommissioning  
15 planning rule that was implemented.

16 Jim, you mentioned that, I think on your  
17 first slide.

18 MR. SHEPHERD: Right.

19 MR. MURRAY: Because now, we are accounting  
20 for those volumes of materials that would have to be  
21 remediated and providing a routinely updated cost  
22 estimate for those volumes.

23 MR. SHEPHERD: Thank you, Scott. Were you  
24 able to get that recorded?

25 COURT REPORTER: Yes, I did. Thank you

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1 very much.

2 MR. SHEPHERD: Good. The comment is that  
3 webinars with this type of meeting, seem to be awkward,  
4 at best. What would be the format for future meetings?

5  
6 We will certainly consider having a public  
7 meeting, in personal attendance, where it seems  
8 appropriate.

9 Webinars, apparently have an advantage that  
10 more people can attend without undergoing travel,  
11 especially to Washington, D.C. in the summertime. But  
12 we will certainly consider that for future meeting  
13 planning.

14 Anymore comments or questions?

15 MR. MURRAY: This is Scott Murray, again.

16 The only other comment that I would have, looking back  
17 at the technical basis, I think it's in Section 2.2,  
18 need for a rule.

19 The statement is made that there are no NRC  
20 regulations that require licensees to promptly remediate  
21 radiological contamination during operations, and that  
22 statement is a little troubling, because I believe there  
23 are current requirements, 10 CFR 20, for example, ALARA  
24 requirements, and for several of us, there are also  
25 reporting requirements.

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1 For example, 10 CFR 20.2203, where we make  
2 a report of exposures or levels or concentration of  
3 material exceeding criteria, and it's these reporting  
4 requirements that would cause us to promptly remediate  
5 those levels, not necessarily a new rule.

6 For example, for many of us, I think there  
7 is equivalent elsewhere, the fuel cycle industry is  
8 covered by 70.50(b)(1), it talks about a 24 hour report  
9 of the contamination event, where you have to -- that  
10 you establish additional radiological barriers or  
11 controls.

12 For most of us, it's that requirement that  
13 causes us to remediate spills or occurrences that are  
14 outside of a normal restricted area, in order to avoid  
15 the reporting of that event.

16 MR. SHEPHERD: Okay.

17 MR. MURRAY: And certainly, if we do make  
18 the report under 70.50(b)(1), we would endeavor to clean  
19 the material, so that we can remove those additional  
20 radiological controls.

21 I don't know if that comment has been  
22 surfaced, or even made during the process, because for  
23 example, that requirement does not apply to Part 50  
24 Reactor Licensees.

25 MR. SHEPHERD: Right, I have not heard that

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1 comment. I appreciate the input, Scott.

2 MR. MURRAY: Thank you.

3 MR. SHEPHERD: The question is will the NRC  
4 apply EPA drinking water standards to leak discharges?

5 Generally, no. The EPA standards are set  
6 for individuals consuming water from the tap, wherever  
7 they drink.

8 Standards that occur onsite, that are not  
9 generally available to the public would not be  
10 appropriate to use that as a limit for any action for  
11 the NRC.

12 The NRC cleanup standards are based on total  
13 dose from all pathways, and it will remain so.

14 Whereas, the EPA has a specific dose limit  
15 based on drinking water pathway.

16 Hearing or receiving no additional  
17 comments, we appreciate your participation. If you have  
18 written comments, the Federal Register notice has the  
19 procedure for submitting those.

20 I would encourage you to submit them sooner,  
21 rather than later, but the deadline is to be post-marked  
22 by the 2<sup>nd</sup> of August.

23 So, thank you again, for your  
24 participation, and the Commission paper will start  
25 forward through concurrence about the beginning of

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1 September, and will be available some time towards the  
2 end of the month. Thank you.

3 (Whereupon, the above-entitled matter  
4 concluded at 12:30 p.m.)

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