

POLICY ISSUE
Information

December 3, 2015

SECY-15-0151

FOR: The Commissioners

FROM: Scott Moore, Acting Director
Office of Nuclear Material Safety
and Safeguards

SUBJECT: STATUS OF THE DECOMMISSIONING PROGRAM—2015 ANNUAL
REPORT

PURPOSE:

To provide the U.S. Nuclear Regulatory Commission (NRC) with the NRC staff's 2015 Annual Report on the Status of the Decommissioning Program, the highlights of key decommissioning accomplishments in Fiscal Year (FY) 2015, as well as an outlook of activities for FY 2016. This paper does not address any new commitments or resource implications.

BACKGROUND:

The Staff Requirements Memorandum (SRM) to COMSECY-08-0036, "Status of Decommissioning Program—2008 Annual Report," dated January 8, 2009, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML090080223), stated that staff should discontinue publication of the annual report on the status of decommissioning in NUREG-1814, and instead publish an annual SECY paper on the status of the decommissioning program with information substantially equivalent to that contained in the 2008 Annual Report. In accordance with this SRM, the 2015 Annual Report is provided to the Commission for information.

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The enclosed 2015 Annual Report on the Status of the Decommissioning Program provides a summary of the NRC's decommissioning program. The report summarizes the status of sites undergoing decommissioning since the last report through September 30, 2015, including the decommissioning of complex materials sites, commercial reactors, research and test reactors, uranium recovery facilities, and fuel cycle facilities. The report also discusses highlights in the decommissioning program since last year's report, and informs the Commission of decommissioning issues that the staff will address in FY 2016.

DISCUSSION:

Summary of Status Update for FY 2015

As of September 30, 2015, 19 nuclear power and early demonstration reactors, 5 research and test reactors, 15 complex materials facilities, 2 fuel cycle facilities (partial decommissioning), and 11 Title II¹ uranium recovery facilities are undergoing decommissioning or are in long-term safe storage, under NRC jurisdiction. Additionally, 22 Title I and 6 Title II uranium recovery facilities are in long-term care under a general license held by the U.S. Department of Energy (DOE), pursuant to 10 CFR 40.27 and 40.28. In FY 2015, progress continued at complex materials sites, including some sites where decommissioning had long been delayed. In September 2015, the staff issued a closure letter for the AAR Manufacturing site in Livonia, MI, which released the site for unrestricted use. In September 2014, Stepan Company submitted a request for license termination for its site in Maywood, NJ. This request is currently under review. The NRC and licensees also made considerable progress in research and test reactor decommissioning, where licenses were terminated at both the University of Michigan Ford Reactor and the Worcester Polytechnic Institute sites. During FY 2015, staff also approved the decommissioning plan (DP) for the U.S. Department of Veterans Affairs reactor in Omaha, NE.

Staff also completed the transfer of project management from the Office of Nuclear Reactor Regulation (NRR) to the Office of Nuclear Material Safety and Safeguards (NMSS) for four power reactors that permanently ceased operations during FY 2013: Crystal River Unit 3, Kewaunee, and San Onofre Units 2 and 3. Staff is currently working on the transfer of project management for Vermont Yankee.

In FY 2015, FMRI and its parent, Fansteel, agreed to a series of forbearance agreements with the Department of Justice, Oklahoma Department of Environmental Quality, and the NRC. The agreements maintain a monthly funding rate of FMRI by Fansteel for decommissioning activities and stipulate certain actions by FMRI associated with the resolution of DP Safety Evaluation Report issues involving Derived Concentration Guideline Levels and the Final Status Survey Plan.

As noted in last year's report, the character of the decommissioning program has changed considerably as new programmatic issues have arisen. Examples of such challenges are the regulation of military sites contaminated with depleted uranium from past testing of munitions and the contamination of military sites with radium and other Atomic Energy Act of 1954, as amended, material subject to the NRC's regulatory authority. In FY 2015, the staff continued its

¹ Title I refers to facilities under the Uranium Mill Tailings Radiation Control Act of 1978, as amended, that were inactive, unregulated processing sites when the act was passed, while Title II facilities are those facilities licensed by the NRC or an Agreement State.

interactions with the military services, as directed by the Commission in SRM-SECY-08-0077, "Options for U.S. Nuclear Regulatory Commission Involvement with the Navy's Remediation of the Hunters Point Naval Shipyard Site in California," to stay informed of the clean-up, which is ongoing under EPA oversight. In FY 2014, NRC staff presented the option for a proposed comprehensive MOU to the Commission for their consideration in SECY-14-0082, "Jurisdiction for Military Radium and the U.S. Nuclear Regulatory Commission Oversight of U.S. Department of Defense Remediation of Radioactive Material". In December 2014, the Commission approved the staff's recommendation for a comprehensive MOU. Completion of the MOU is expected early in 2016, after which the staff will begin implementing the MOU by working jointly with U.S. Department of Defense on an implementation plan, a site inventory, and initial monitoring at pilot sites. The stay informed approach for the Hunters Point, Alameda, and McClellan sites would continue under the MOU along with other new sites.

Another area of staff focus that continued in FY 2015 involved non-military sites with radium contamination. Staff has been coordinating with the National Park Service regarding the on-going remediation of the Great Kills Park site, located in Staten Island, New York, which is currently under consideration for addition to the Superfund National Priorities List. The NRC staff also worked closely with EPA Region I regarding their clean-up activities at the former Waterbury Clock factory located in Waterbury, Connecticut. The NRC staff is continuing its development of a process for the identification and prioritization of historic non-military sites with potential radium contamination.

Activities in Fiscal Year 2016 and Beyond

The NRC staff expects FY 2016 activity in the decommissioning program to increase in the area of power reactors while remaining level in others. The progress in power and early demonstration reactor decommissioning is expected to continue at a similar level while the number of sites will continue to increase as FitzPatrick, Pilgrim, and Oyster Creek have expressed their intent to permanently cease power operations by 2019 or sooner.

Progress in research and test reactor decommissioning will continue in FY 2016, with the State University of New York at Buffalo and U.S. Department of Veterans Affairs facilities continuing to work toward license termination. Additionally, decommissioning activities are expected to be completed at several complex materials sites in FY 2016, including Stepan Company, Mallinckrodt, and Beltsville Agricultural Research Laboratory. Some Title II uranium recovery sites are also expected to complete decommissioning activities in the near future, and these sites will ultimately be transferred to DOE for long-term surveillance.

CONCLUSION:

The staff plans to continue its licensing activities and close oversight of the decommissioning of nuclear power reactors, research and test reactors, complex materials sites, uranium recovery facilities and fuel cycle facilities. In addition, the staff plans to continue to identify and implement methods to make the decommissioning program more efficient and effective.

Site summaries for all decommissioning sites are accessible to the Commission and the public through NRC's decommissioning web site (<http://www.nrc.gov/waste/decommissioning.html>). To ensure that the web site is current, project managers in NMSS and the Regions routinely review and update the facility information.

The Commissioners

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COORDINATION:

OGC has reviewed this paper and has no legal objections. The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objections.

/RA M. Lombard Acting for/

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