



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

March 18, 1994

MEMORANDUM TO: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque

FROM: James M. Taylor
Executive Director for Operations

SUBJECT: RESPONSE TO STAFF REQUIREMENTS - BRIEFING ON SITE
DECOMMISSIONING MANAGEMENT PLAN

Based on the Nuclear Regulatory Commission staff briefing on the Site Decommissioning Management Plan (SDMP), the Commission, in a November 18, 1993 Staff Requirements Memorandum (SRM), requested more definitive information on the criteria used by the Agreement States for the release of contaminated sites including those contaminated with naturally-occurring radioactive material (NORM). The information was to include the types of approaches the Agreement States are allowing in terms of restricted use or perpetual care.

In response, the Office of State Programs (OSP) and the Office of Nuclear Material Safety and Safeguards (NMSS), developed nine specific questions for Agreement State response (Attachment 1) to assist in responding to the SRM and to aid in preparing for a March 23, 1994 Agreement State Workshop on establishing SDMPs. These were in addition to the four questions asked of the Agreement States in preparation for the November 8, 1993 Commission meeting (Attachment 2).

The information gathered from the Agreement States in response to the questions is being compiled and reviewed. Staff will make this information available to the States prior to the Workshop and will ask that they provide any additional comments or information by April 1, 1994. After the States have an opportunity to review the information, OSP and NMSS will prepare an analysis and forward it to the Commission along with an analysis of whether additional NRC initiatives are needed to assure adequate and timely remediation of contaminated sites in Agreement States. While a more definitive response to the Commission's questions, as well as additional information on Agreement State SDMP efforts, will be available after the Workshop, telephone conversations with each of the 29 Agreement States enabled us to elicit some preliminary data.

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Contact: T. Combs, OSP
504-2357

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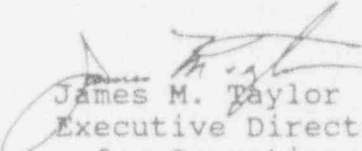
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- Four States indicated they currently have some type of SDMP program (Arizona, Illinois, Kansas and New Hampshire).
- Generally, States are using some NRC cleanup criteria in determining releasability of licensed sites. NRC criteria include:
 - "NRC Action Plan to Ensure Timely Cleanup of SDMP Sites;"
 - Regulatory Guide 1.86, "Termination of Operating Licenses for Nuclear Reactors;"
 - Regulatory Guide 3.65, "Standard Format and Content of Decommissioning Plans for Licensees under 10 CFR Parts 30, 40, and 70;"
 - 1981 Branch Technical Position, "Disposal or Onsite Storage of Thorium or Uranium Wastes From Past Operations;"
 - NUREG-0586, "Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities;"
 - NUREG/CR-5512, "Residual Radioactive Contamination from Decommissioning;"
 - NUREG/CR-5517, "IMPACTS-BRC, Version 2.0;"
 - NUREG/CR-5849, "Manual for Conducting Radiological Surveys in Support of License Termination;" and
 - ALARA.
- Seven States (Arkansas, California, Florida, Illinois, New Hampshire, North Dakota and Texas) have developed their own cleanup criteria which we believe to be similar to NRC criteria.
- Seventeen States have sites they believe would qualify for inclusion in NRC's SDMP.
- All but five States (Colorado, Florida, Maine, Nebraska and Rhode Island) have or are developing some criteria for the unrestricted release of NORM contaminated sites.
- Five States indicated they have released sites for "other than unrestricted use" with some type of deed or zoning restrictions.

- Ten States said that they have not released sites for "other than unrestricted use" but may consider it in the future.

The responses from the 24 Agreement States which have or are developing criteria for NORM contaminated sites, ranged from having State specific regulations to using U.S. Environmental Protection Agency criteria or criteria drafted by the Council of Radiation Control Program Directors (CRCPD). It would appear that the State of Louisiana has taken the lead by developing criteria for cleanup in the oil fields.

Attachment 3 is a copy of the Agenda for the SDMP Workshop.



James M. Taylor
Executive Director
for Operations

Attachments:
As stated

cc: SECY
OGC
OPA
OCA

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Original signed by
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cc: SECY
 OGC
 OPA
 OCA

Distribution:

DIR RF
 EDO RF (WITS 9300197)
 JMTaylor
 HLThompson
 RLBangart
 PLohaus
 SDroggitis
 TCombs
 NORlando
 Decommissioning File

DCD PDR YES NO
 RBernero
 JGreeves
 JAustin
 MBell
 TRothschild, OGC

*See previous concurrence.

OFC	OSP	OSP:DD	OSP:D	NMS3/LLWM	OGC		
NME	TCombs:kk	PLohaus	RLBangart	JGreeves	TRothschild		
DTE	03/ /94	03/ /94	03/09/94*	03/10/94*	03/11/94*		

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NME	HLThompson	JMTaylor					
DTE	03/ /94	03/ /94					

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NConstanzi, NMSS
Decommissioning File

DCD PDR YES ___ NO ___

we need to discuss paperwork reduction!

OFC	OSP	OSP:DO	OSP:J	NMSS/LLWM	OGC		
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 HLThompson *M. Bell*
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 PLohaus *J. Greaves*
 SDroggitis
 TCombs
~~Constanzi, NMSS~~ *RES*
 Decommissioning File

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The Commissioners

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FOLLOW-UP QUESTIONS FOR AGREEMENT STATES

1. What are the criteria used in your State to determine when radiologically contaminated soil or volumetrically contaminated material can be released for unrestricted use?
2. Do you perform modeling prior to releasing sites for unrestricted use? If so, which models are used?
3. Do you allow sites to be released for other than unrestricted use? If so, what type of continuing controls do you allow? Do you have a program to keep track of these sites?
4. Do you have a policy on finality of decommissioning actions? (If a site has been cleaned up per an approved plan or method and all requirements concerning the closure of the site are achieved, do you have a policy on future liability or additional actions that may be imposed on the licensee?)
5. Do you or have you ever evaluated sites that have been released in the past?
6. Do you have a standard set of procedures/criteria/methods for conducting termination surveys of sites? Do you perform confirmatory surveys of sites after licensees have stated that the sites meet the release criteria?
7. Do you retain terminated license files indefinitely? If not, for what period of time are terminated license files retained?
8. Do you currently permit inactive contaminated sites to remain under licensee control without requiring the licensee to initiate site characterization and remediation efforts?
9. Do you have unrestricted release criteria for NORM?

Office of State Programs
Questions on Contaminated Sites

Introduction

The Commission has requested an update on the Site Decommissioning Management Plan (SDMP). The briefing will likely occur in late October or November 1993. As part of the presentation, the Chairman specifically requested information about what the Agreement States are doing in this area and the number of sites in the Agreement States. In order for the Office of State Programs to present information to the Commission, we are requesting the Agreement States to provide the following information to us no later than October 15, 1993.

Currently a General Accounting Office (GAO) audit of the regulation of contaminated sites is also being conducted. It is expected that a Congressional hearing on this subject may be held after January 1, 1994. The information requested will likely be needed to respond to the GAO report and prepare for the hearing.

Information Needs

Does your State have a specific program for management of problem contaminated sites? If the answer is yes, please provide a copy of the document describing your program, if documented, or a written summary of your program.

What criteria are used by the State to determine if a site can be released for unrestricted use? Please provide a copy of the guidance if different from NRC's. See the NRC's SDMP Action Plan, attached, for NRC's unrestricted release criteria.

Please provide a list of the contaminated sites (those covered under your Agreement and meeting the criteria used by NRC to put sites on its SDMP list). A copy of NRC's criteria is attached. Note that a problem contaminated site may be one that is currently conducting operations or it may be one where operations have ceased irrespective of whether the license is in effect or has been terminated. In this response, please indicate whether you have reviewed the files of previously terminated licenses to determine if the licenses were terminated using release criteria less stringent than those used today, without independent confirmatory surveys, or using survey procedures that are unacceptable by today's standards. If no terminated license file reviews have been conducted, indicate whether any are planned.

Please provide a brief description of each site. A format for this information is attached along with examples from NRC's SDMP documentation. The compliance/enforcement history of the sites and a description of the public/political/media interest in the site should be included in the documentation for each site.

**AGREEMENT STATE SITE DECOMMISSIONING
MANAGEMENT PROGRAM WORKSHOP
March 23, 1994**

- 6:00am - **Breakfast**
- 7:30am - **Check In**
- 8:00am - **Welcome and Opening Remarks**
Richard L. Bangart, Director
Office of State Programs
- 8:15am - **What is the SDMP and Why Did NRC Develop It?**
John H. Austin, Chief
Decommissioning and Regulatory Issues Branch (LLDR)
Division of Low-Level Waste Management and Decommissioning
(LLWM)
Office of Nuclear Material Safety and Safeguards (NMSS)
- 9:15am - **Identifying Potential Sites**
Paul Goldberg
Operations Branch
Division of Industrial and Medical Nuclear Safety, NMSS
- 9:30am - **Break**
- 9:45am - **Contaminated Site Experiences**
- **NRC Region I**

 - **NRC Region III**

 - **State of Illinois**
Steven Collins, Chief
Division of Radioactive Materials
accompanied by Marjorie Walle
- 11:15am - **The Need for an Agreement State SDMP Program**
Hugh L. Thompson, Jr., Deputy Executive Director for Nuclear
Materials Safety, Safeguards and Operational Support
- 11:45am - **Question and Answer Session**
- 12:00n - **Lunch**

1:00pm - **Lessons Learned on Selected SDMP Issues: NRC Panel Discussion**

- **Site Characterization**
Tim Johnson, Section Leader, LLDR/LLWM/NMSS
- **Existing Remediation Criteria**
John H. Austin, LLDR/LLWM/NMSS
- **Timeliness Rule**
Cheryl Trottier, Section Leader, Radiation Protection and Health Effects Branch, Office of Nuclear Regulatory Research (RES)
- **Termination Surveys**
David Fauver, LLDR/LLWM/NMSS
- **Financial Assurance**
Tim Johnson, LLDR/LLWM/NMSS
- **20.304 Burials**
John H. Austin, LLDR/LLWM/NMSS
- **Cooperating with Other Authorities**
Mike Weber, Section Leader, LLDR/LLWM/NMSS
- **Enhanced Participatory Rulemaking Update**
Chip Cameron, Special Counsel for Public Liaison and Waste Management, Office of the General Counsel

4:45pm - **Question and Answer Session**
Richard L. Bangart, OSP

5:15pm - **Closing Remarks**

Informal Gathering and Dinner