

POLICY ISSUE INFORMATION

November 9, 2012

SECY-12-0153

FOR: The Commissioners

FROM: Mark A. Satorius, Director
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: STATUS OF THE DECOMMISSIONING PROGRAM—2012 ANNUAL
REPORT

PURPOSE:

To provide the U.S. Nuclear Regulatory Commission (NRC) with the NRC staff's 2012 Annual Report on the Status of the Decommissioning Program, the highlights of key decommissioning accomplishments in fiscal year (FY) 2012, as well as an outlook of activities for FY 2013. 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 2012 Annual Report is provided to the Commission for information only.

The enclosed 2012 Annual Report on the Status of the Decommissioning Program provides a comprehensive summary of the NRC's Decommissioning Program. The report summarizes the

CONTACT: [Kim Conway, FSME/DWMEP](#)
(301) 415-1335

status of sites undergoing decommissioning since the last report, through September 30, 2012, 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 2013.

DISCUSSION:

Summary of Status Update for FY 2012

As of September 30, 2012, 12 nuclear power and early demonstration reactors, 11 research and test reactors, 17 complex decommissioning materials facilities, 2 fuel cycle facilities (partial decommissioning), 22 Title I¹ uranium recovery facilities, and 11 Title II¹ uranium recovery facilities are undergoing decommissioning or are in long-term safe storage, under NRC jurisdiction. In FY 2012, the Decommissioning Program continued to make progress at complex sites where decommissioning had long been delayed. In March 2012, the NWI Breckenridge site was released for unrestricted use following extensive remediation in calendar years 2010 and 2011. Additionally, remediation activities were completed at the NRC-licensed portion of the Stepan site in Maywood, New Jersey, and the ABB Prospects site in Windsor, Connecticut. These sites are expected to begin the process for license termination in FY 2013.

In October 2011, staff approved the Westinghouse Electric-Hematite Decommissioning Plan for Westinghouse's former Fuel Fabrication facility in Festus, Missouri. Because the site contained numerous documented and undocumented burial pits, which possibly contained special nuclear material and/or classified equipment, the NRC required the Hematite Decommissioning Plan to incorporate within its Fundamental Nuclear Material Control Plan, Physical Security Plan, and nuclear criticality assessments contingency actions and procedures to follow should Category I material and/or equipment be identified. In May 2012, Westinghouse began remediation in the burial pits with oversight by Region III inspectors.

The NRC and licensees also made considerable progress in research and test reactor decommissioning. After completing decommissioning in 2011, confirmatory surveys were conducted and the NRC terminated the University of Arizona facility in February 2012. The staff also reviewed the license termination request for the National Aeronautics and Space Administration (NASA) Mockup and Plum Brook reactors after decommissioning was completed. Staff work associated with the NASA Plum Brook Facility included multiple confirmatory surveys and the review of 18 final status survey reports related to decommissioning activities. The University of Illinois research reactor began physical decommissioning activities in October 2011. The licensee completed all remediation, demolition, and surveys of the site in July 2012, and inspection staff performed independent confirmatory surveys of the remaining footprint.

In FY 2012, the Zion Station decommissioning project continued to perform decommissioning activities for both Units 1 and 2. The removal of waste continued with regular shipments to the EnergySolutions disposal site in Clive, Utah.

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.

Staff also continued its extensive coordination with the U.S. Army Corps of Engineers (USACE) at the BWX Technologies, Inc., Shallow Land Disposal Area in Vandergrift, Pennsylvania. On September 30, 2011, USACE ceased excavation activities after a contractor deviated from accepted field procedures. The exhumed material was beyond the scope of USACE's established procedures. In response, the NRC staff provided technical guidance and conducted several site visits. Staff will continue to work collaboratively with USACE to revise future Work Plans before resuming remediation activities.

In FY 2012, staff worked with the State of Wyoming and the U.S. Department of Energy (DOE) to evaluate options for completing decommissioning at the ANC Gas Hills site given the limitations of available funds. The Confirmatory Order with the State was modified to focus only on essential elements such as pumping the contaminated water under a corrective action program during the summer months, and taking annual settlement measurements at Pond #1. The NRC is working with Wyoming to evaluate the extent of the contaminated plume of ground water flowing to the north of the site.

As noted in last year's report, the character of the decommissioning program has changed considerably as past successes have reduced the inventory of the sites undergoing decommissioning. In turn, new programmatic issues have arisen as the number of facilities with different and more complex decommissioning challenges has increased. Examples of such challenges are the regulation of military sites contaminated with depleted uranium from past testing of munitions and the contamination of NRC-licensed and unlicensed military sites with naturally occurring and accelerator-produced radioactive material. In FY 2012, staff continued its interactions with the military services to better understand the issues and develop a path forward.

Finally, FY 2012 saw a continued emphasis on the uranium recovery decommissioning program. Staff began the development of Volume 4 of the Consolidated Decommissioning Guidance, NUREG-1757, which will incorporate the provisions and aspects of the existing uranium recovery guidance that are specifically relevant to the reclamation, restoration and decommissioning of uranium recovery facilities. In response to the FY 2011 audit by the Office of the Inspector General, staff developed and implemented a program to conduct observational site visits at sites that have been transferred to DOE and are generally licensed pursuant to 10 CFR 40.27 and 40.28. The effort included development of guidance for conducting the site visits, performing sites visits at a number of sites to determine the effectiveness of the guidance, and identifying areas for improving the guidance.

Trends in Fiscal Year 2013 and Beyond

The NRC staff expects FY 2013 activity in the Decommissioning Program to increase slightly in some areas while remaining level in others. The progress in power and early demonstration reactors is expected to remain level, as most of these reactors remain in SAFSTOR mode. Progress in research and test reactor decommissioning is expected to continue in FY 2013, with Ford Nuclear Reactor and Worcester Polytechnic Institute facilities expected to complete decommissioning in the coming year. Additionally, decommissioning activities are expected to be completed at several complex materials sites in FY 2013, including the ABB Prospects and Stepan sites; and some Title II uranium recovery sites are expected to complete decommissioning activities and be transferred to DOE for long-term control. These sites are Bear Creek and Pathfinder Lucky Mc.

Staff will also work extensively with other Federal agencies, States, and other stakeholders to address the varied challenges at sites with technical or financial issues. For example, the NRC staff is assisting with the development of an interagency Memorandum of Understanding among USACE, DOE, and NRC that defines the role of each Federal entity throughout the remainder of the remediation process at Shallow Land Disposal Area. Staff will also continue to work with the State of Wyoming and DOE to evaluate options for completing decommissioning at the ANC Gas Hills site given the limitations of available funds.

In FY 2013, staff also expects to continue its focus on the development of Volume 4 of the Consolidated Decommissioning Guidance, NUREG-1757. Staff will also continue to refine the program for observational visits at sites transferred to DOE in response to the 2011 OIG audit.

CONCLUSION:

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

Site summaries for all decommissioning sites are accessible to the Commission and the public through the NRC's decommissioning website (<http://www.nrc.gov/about-nrc/regulatory/decommissioning.html>). To ensure that the web site is current, project managers in the Office of Federal and State Materials and Environmental Management Programs, the Office of Nuclear Material Safety and Safeguards, and the Regions routinely review and update the facility information.

COORDINATION:

The Office of the General Counsel 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 by Brian Holian for/

Mark A. Satorius, Director
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
Status of the Decommissioning
Program—2012 Annual Report

Status of the Decommissioning Program

2012 Annual Report

**Division of Waste Management and Environmental Protection
Office of Federal and State Materials and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001**

Enclosure

CONTENTS

ABBREVIATIONS	iii
1. Introduction	1
2. Decommissioning Sites	3
2.1 Nuclear Power Reactor Decommissioning	3
2.1.1 Decommissioning Process	4
2.1.2 Summary of Fiscal Year 2012 Activities	6
2.1.3 Fiscal Year 2013 Trends and Areas of Focus	7
2.2 Research and Test Reactor Decommissioning	10
2.2.1 Decommissioning Process	10
2.2.2 Summary of Fiscal Year 2012 Activities	12
2.2.3 Fiscal Year 2013 Trends and Areas of Focus	12
2.3 Complex Material Facility Decommissioning	14
2.3.1 Decommissioning Process	14
2.3.2 Summary of Fiscal Year 2012 Activities	18
2.3.3 Fiscal Year 2013 Trends and Areas of Focus	21
2.4 Uranium Recovery Facility Decommissioning	26
2.4.1 Decommissioning Process for Uranium Mills	27
2.4.2 Summary of Fiscal Year 2012 Activities	30
2.4.3 Fiscal Year 2013 Trends and Areas of Focus	31
2.5 Fuel Cycle Facility Decommissioning	36
2.5.1 Fuel Cycle Facility Decommissioning Process	36
2.5.2 Summary of Fiscal Year 2012 Activities	36
3. Guidance and Rulemaking Activities	37
4. Research Activities	39
5. International Activities	41
6. Program Integration and Improvement	44
7. Agreement State Activities	47
8. Resources	53
9. Fiscal Year 2013 Planned Programmatic Activities	54

Tables

Table 2-1 Power and Early Demonstration Reactors Undergoing Decommissioning	8
Table 2-2 Research and Test Reactors Undergoing Decommissioning	13
Table 2-3 Complex Decommissioning Sites	23
Table 2-4a Decommissioning Title I Uranium Recovery Sites	32
Table 2-4b Decommissioning Title II Uranium Recovery Sites	34
Table 2-4c Title II Uranium Recovery Sites – DOE Licensed Under 40.28	35
Table 7-1 Agreement State Decommissioning Sites	48

ABBREVIATIONS

ACL	alternate concentration limit
ADAMS	Agencywide Documents Access and Management System
ANL	Argonne National Laboratory
CBP	Cementitious Barriers Partnership
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CNWRA	Center for Nuclear Waste Regulatory Analysis
CFR	<i>Code of Federal Regulations</i>
CRCPD	Conference of Radiation Control Program Directors
CY	calendar year
DOE	U.S. Department of Energy
DG	Draft Regulatory Guide
DP	decommissioning plan
DPR	Decommissioning Planning Rule
DWMEP	Division of Waste Management and Environmental Protection
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ES	Energy Solutions
FCSS	Division of Fuel Cycle Safety and Safeguards
FONSI	Finding of No Significant Impact
FSME	Office of Federal and State Materials and Environmental Management Programs
FSS	final status survey
FSSR	Final Status Survey Report
FRN	<i>Federal Register</i> notice
FTE	full-time equivalents
FUSRAP	Formerly Utilized Sites Remedial Action Program
FY	fiscal year
GETR	General Electric-Hitachi Test Reactor

IAEA	International Atomic Energy Agency
IDIP	Integrated Decommissioning Improvement Plan
ISFSI	independent spent fuel storage installation
ISR	in situ recovery
LLW	low-level waste
LTP	license termination plan
LTR	License Termination Rule
LTSP	long-term surveillance plan
N/A	not applicable
NARM	naturally occurring and accelerator-produced radioactive material
NASA	National Aeronautics and Space Administration
NEA	Nuclear Energy Agency
NIST	National Institute of Standards and Technology
NMSS	Office of Nuclear Material Safety and Safeguards
NRC	U.S. Nuclear Regulatory Commission
PNNL	Pacific Northwest National Laboratory
PSDAR	Post-Shutdown Decommissioning Activities Report
RAI	request for additional information
RES	Office of Nuclear Regulatory Research
RG	Regulatory Guide
RP	reclamation plan
SDMP	Site Decommissioning Management Plan
SER	Safety Evaluation Report
SLDA	Shallow Land Disposal Area
TBD	to be determined
TER	technical evaluation report
TRIGA	Training, Research, Isotopes General Atomics
UMTRCA	Uranium Mill Tailings Radiation Control Act
UNC	United Nuclear Corporation
USACE	U.S. Army Corps of Engineers
VESR	Vallecitos Experimental Superheat Reactor

1. INTRODUCTION

This report provides a summary of decommissioning of commercial nuclear facilities in the United States. Its purpose is to provide a reference document that summarizes the U.S Nuclear Regulatory Commission's (NRC) decommissioning activities in fiscal year (FY) 2012, including the decommissioning of complex materials sites, commercial reactors, research and test reactors, uranium recovery facilities, and fuel cycle facilities. As such, this report discusses current progress and accomplishments of the NRC's Comprehensive Decommissioning Program, provides information supplied by Agreement States on decommissioning in their States, and identifies key Decommissioning Program activities that the staff will undertake in the coming year. The information contained in this report is current as of September 30, 2012.

Approximately 10 years ago, the Division of Waste Management and Environmental Protection (DWMEP) began an effort to enhance the effectiveness of the NRC's Decommissioning Program. These enhancements included several initiatives: upgrading the resources available for decommissioning; developing, updating, and consolidating all guidance associated with decommissioning into a concise NUREG guidance document, NUREG-1757, "Consolidated Decommissioning Guidance;" developing metrics to track staff and licensee activities; establishing a proactive communication approach with licensees to facilitate decommissioning; and developing an integrated decommissioning improvement plan to systematically examine the Decommissioning Program for efficiency gains. This effort resulted in a significant improvement in the decommissioning process and a corresponding increase in the number of sites that have been successfully decommissioned since 2000 (over 50), some of which had been in decommissioning since the late 1980s. In FY 2012, the staff continued to focus on enhancing the effectiveness of the Decommissioning Program through a comprehensive effort to consolidate and update decommissioning guidance for uranium recovery facilities.

As noted in our FY 2011 report (SECY-11-0159, "Status of the Decommissioning Program—2011 Annual Report"), the character of the decommissioning program has changed a great deal as successes in the past have substantially reduced the inventory of complex materials sites in decommissioning status. In turn, new programmatic issues have arisen as the NRC has increased its involvement with facilities with different decommissioning challenges. 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 naturally occurring and accelerator-produced radioactive material (NARM). The decrease in the inventory of complex materials sites allowed the staff in FY 2012 to continue its focus on the decommissioning of conventional uranium milling sites, many of which have been in decommissioning for decades. In FY 2011, the NRC staff began an effort to leverage its broad decommissioning experience to achieve efficiency gains, and this undertaking will continue in the short term. In particular, in the aforementioned guidance consolidation effort, highly experienced staff will consider what improvements need to be made in the guidance to allow for a better understanding of the "what" and "how" of uranium recovery decommissioning.

In 2012, in response to an audit of the uranium recovery decommissioning program by the Office of the Inspector General, the staff developed and implemented an approach for the oversight of legacy uranium mills managed under an NRC general license by the U.S. Department of Energy (DOE). In developing this Observational Site Visit approach, staff

evaluated the DOE inspection program and long-term management programs for the legacy sites. Based on the DOE program, staff developed guidance on conducting the site visit and completing the site visit report. The staff tested the approach and guidance at several sites and revised the approach and guidance based on the results of these visits.

In terms of accomplishments, decommissioning was completed at the University of Arizona research reactor and the NWI Breckenridge complex materials site. The license at the University of Arizona was terminated in February 2012. In March 2012, the NWI Breckenridge site was released for unrestricted use. Decommissioning activities were completed at NASA Mockup and Plum Brook reactors, and staff reviewed the license termination requests. Additionally, decommissioning was completed at the University of Illinois Research Reactor and the ABB Prospects site in Connecticut. The U.S. Army Corps of Engineers also completed remediation activities at the NRC-licensed portion of the Stepan site in New Jersey. These sites are expected to submit license termination requests in FY 2013. The staff also approved the Westinghouse Electric-Hematite Decommissioning Plan for its former Fuel Fabrication facility in Festus, Missouri. Related approvals for Hematite included: the Fundamental Nuclear Material Control Plan, the Physical Security Plan, the Decommissioning Funding Plan, and a 10 CFR 20.2002 request for alternate disposal of waste to US Ecology, in Idaho. Active remediation began in FY 2012 with Regional oversight.

In FY 2013, the NRC expects two to three complex materials sites to complete decommissioning activities, with similar numbers completing decommissioning in succeeding years. Most power reactors undergoing decommissioning will remain in SAFSTOR, with Zion, La Crosse, and Humboldt Bay in active decommissioning. The NRC staff was notified on November 2, 2012, that the Kewaunee Power Station expects to cease power operation in FY 2013. During FY 2013, the staff will explore potential decommissioning issues related to Kewaunee and assess future work through changes in the budget planning process. Progress in research and test reactor decommissioning will also continue as two or three more sites are expected to complete decommissioning in FY 2013. Within the next several years, several Title II¹ uranium recovery sites are expected to complete decommissioning and be transferred to DOE for long-term control under a general license.

¹ The Uranium Mill Tailings Radiation Control Act of 1978, as amended, classifies certain facilities that mill or process certain radioactive material as: Title 1, which refers to those facilities that were inactive, unregulated processing sites when the act was passed; or Title II, which refers to those facilities licensed by the NRC or an Agreement State. Section 2.4, *infra*, explains this in detail.

2. DECOMMISSIONING SITES

The NRC regulates the decontamination and decommissioning of materials and fuel cycle facilities, power reactors, research and test reactors, and uranium recovery facilities. The purpose of the Decommissioning Program is to ensure that NRC-licensed sites, and sites that were, or could be, licensed by the NRC, are decommissioned in a safe, timely, and effective manner so that they can be returned to beneficial use and to ensure that stakeholders are informed and involved in the process, as appropriate. This report summarizes a broad spectrum of activities associated with the Program's functions.

Each year, the NRC terminates approximately 150 materials licenses. Most of these license terminations are routine, and the sites require little, if any, remediation to meet the NRC's unrestricted release criteria. This report focuses on the more challenging sites where the termination of the site's license is not a routine licensing action.

As of September 30, 2012, 12 nuclear power and early demonstration reactors, 11 research and test reactors, 17 complex decommissioning materials facilities, 2 fuel cycle facilities, 22 Title I uranium recovery facilities, and 11 Title II uranium recovery facilities are undergoing decommissioning or are in long-term safe storage, under NRC jurisdiction. The NRC public Web site (<http://www.nrc.gov/about-nrc/regulatory/decommissioning.html>) contains site status summaries for the facilities managed under the Decommissioning Program. These summaries describe the status of each site and identify the current technical and regulatory issues affecting the completion of decommissioning. The site summaries are updated on a quarterly basis. For those licensees or responsible parties that have submitted a decommissioning plan (DP) or license termination plan (LTP), the schedules for completion of decommissioning are based on an assessment of the complexity of the DP or LTP review. For those that have not submitted a DP or LTP, the schedules are based on other available site-specific information and on the anticipated decommissioning approach.

Through the Agreement State Program, 37 States have signed formal agreements with the NRC, by which those States have assumed regulatory responsibility over certain byproduct, source, and small quantities of special nuclear material (SNM), including the decommissioning of some complex materials sites and uranium recovery sites. Agreement States do not have regulatory authority over nuclear reactors licensed under Title 10, Part 50, "Domestic Licensing of Production and Utilization Facilities," or Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," of the *Code of Federal Regulations* (10 CFR Part 50 or Part 52) or fuel cycle facilities. Section 7 of this report discusses the NRC's coordination with the Agreement States' decommissioning programs.

2.1 Nuclear Power Reactor Decommissioning

The NRC's power reactor decommissioning activities include project management for decommissioning power reactors, technical review of licensee submittals in support of decommissioning, core inspections, support for the development of rulemaking and guidance, public outreach efforts, international activities, and participation in industry conferences and workshops. In addition, the staff routinely processes license amendments and exemptions to

support the progressive stages of decommissioning. The staff regularly coordinates with other offices on issues affecting both operating and decommissioning power reactors, and with the Office of Nuclear Material Safety and Safeguards (NMSS) regarding the independent spent fuel storage installations (ISFSIs) at reactor sites undergoing decommissioning.

As of September 30, 2012, the 12 nuclear power and early demonstration reactors identified in Table 2-1 are undergoing decommissioning. Table 2-1 provides an overview of the status of these nuclear power reactors. Plant status summaries for all decommissioning nuclear power reactors are available at <http://www.nrc.gov/info-finder/decommissioning/power-reactor/>.

2.1.1 Decommissioning Process

The decommissioning process begins when a licensee decides to permanently cease operations. The major steps that make up a licensee's reactor decommissioning process are: notification to the NRC of cessation of operations; submittal of the Post-Shutdown Decommissioning Activities Report (PSDAR); submittal of the LTP; implementation of the LTP; and completion of decommissioning.

Notification

When the licensee has decided to permanently cease operations, it is required to submit a written notification to the NRC. In addition, the licensee is required to notify the NRC in writing once fuel has been permanently removed from the reactor vessel.

Post-Shutdown Decommissioning Activities Report

Before, or within 2 years after cessation of operations, the licensee must submit a PSDAR to the NRC and a copy to the affected State(s). The PSDAR must include:

- a description and schedule for the planned decommissioning activities;
- an estimate of the expected costs; and
- a discussion of the reasons for concluding that the environmental impacts associated with site-specific decommissioning activities will be bounded by appropriate, previously issued Environmental Impact Statements (EISs).

The NRC will notice receipt of the PSDAR in the *Federal Register* and make the PSDAR available for public comment. In addition, the NRC will hold a public meeting in the vicinity of the licensee's facility to discuss the PSDAR. Although the NRC does not approve the PSDAR, the licensee cannot perform any major decommissioning activities until 90 days after the NRC has received the PSDAR. After this period, the licensee can perform decommissioning activities as long as the activities do not have the following results:

- Foreclose release of the site for unrestricted use;
- Result in significant environmental impacts not previously reviewed; or

- Jeopardize reasonable assurance that adequate funds will be available for decommissioning.

The regulations in 10 CFR 50.59, "Changes, Tests, and Experiments," allow a reactor licensee to make certain changes in the facility without a license amendment. In taking actions permitted under 10 CFR 50.59 after submittal of the PSDAR, the licensee must notify the NRC, in writing, before performing any decommissioning activity inconsistent with, or making any significant schedule change from, those actions and schedules in the PSDAR. The licensee exercises its own judgment in determining the scope and extent of the latitude provided in 10 CFR 50.59 and proceeds at its own risk.

License Termination Plan

Each power reactor licensee must submit an application for termination of its license. An LTP must be submitted at least 2 years before the license termination date. The NRC and licensee hold presubmittal meetings to agree on the format and content of the LTP. These meetings are open to the public, and intended to improve the efficiency of the LTP development and review process. The LTP must include the following:

- a site characterization;
- identification of remaining dismantlement activities;
- plans for site remediation;
- detailed plans for the final radiation survey;
- description of the end use of the site, if restricted;
- an updated site-specific estimate of remaining decommissioning costs;
- a supplement to the environmental report describing any new information or significant environmental change associated with the licensee's proposed termination activities; and
- identification of parts, if any, of the facility or site that were released for use before approval of the LTP.

In addition, the licensee should demonstrate that it will meet the applicable requirements of the License Termination Rule (LTR) in 10 CFR Part 20, "Standards for Protection Against Radiation," Subpart E, "Radiological Criteria for License Termination."

The NRC will notice receipt of the LTP and make the LTP available for public comment. In addition, the NRC will hold a public meeting in the vicinity of the licensee's facility to discuss the LTP and the LTP review process. The LTP technical review is guided by NUREG-1700, "Standard Review Plan for Evaluating Nuclear Power Reactor License Termination Plans," Revision 1, issued April 2003 (Agencywide Document Access and Management System

(ADAMS) No. ML031270391); NUREG-1757, “Consolidated Decommissioning Guidance,” Revision 1 of Volume 2, issued September 2006 (ADAMS No. ML063000243); and NUREG-0586, “Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities—Supplement 1,” issued November 2002 (ADAMS No. ML023470327). The LTP is approved by license amendment.

Implementation of the License Termination Plan

After approval of the LTP, the licensee or responsible party must complete decommissioning in accordance with the approved LTP. The NRC staff will periodically inspect the decommissioning operations at the site to ensure compliance with the LTP. These inspections will normally include in-process and confirmatory radiological surveys.

Decommissioning must be completed within 60 years of permanent cessation of operations, unless otherwise approved by the Commission.

Completion of Decommissioning

At the conclusion of decommissioning activities, the licensee will submit a Final Status Survey Report (FSSR) that identifies the final radiological conditions of the site, and request that the NRC either: (1) terminate the 10 CFR Part 50 license; or (2) if the licensee has an ISFSI, reduce the 10 CFR Part 50 license boundary to the footprint of the ISFSI. For decommissioning reactors with no ISFSI, or an ISFSI holding a specific license under 10 CFR Part 72, “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor Related Greater Than Class C Waste,” completion of reactor decommissioning will result in the termination of the 10 CFR Part 50 license. The NRC will approve the FSSR and the licensee’s request if it determines that the licensee has met both of the following conditions:

- The remaining dismantlement has been performed in accordance with the approved LTP.
- The final radiation survey and associated documentation demonstrate that the facility and site are suitable for release in accordance with the LTR.

2.1.2 Summary of Fiscal Year 2012 Activities

- The staff conducted the technical reviews and issued exemptions from certain security requirements in 10 CFR 73.55 for La Crosse and Zion Units 1 and 2.
- To ensure openness during the regulatory process, the staff held public meetings,² including a meeting at Humboldt Bay to discuss its LTP and a request for 10 CFR 20.2002 alternate disposal.

²Public meetings include formal public meetings sponsored by the NRC and/or the licensee, as well as technical meetings that are open to observation by members of the public.

- The staff issued two 10 CFR 20.2002 approvals for alternative disposal of Humboldt Bay decommissioning debris and soils.
- La Crosse moved all spent fuel to an on-site ISFSI with Region III oversight, in coordination with NMSS.
- The staff conducted inspections at Humboldt Bay, N.S. Savannah, Zion Units 1 and 2, Fermi Unit 1, and La Crosse.

2.1.3 Fiscal Year 2013 Trends and Areas of Focus

Progress in power reactor decommissioning will remain at a similar level as in FY 2012, with the number of sites expected to stay the same as most reactors stay in SAFSTOR. Humboldt Bay is expected to complete decommissioning in 2016. Through unique decommissioning approaches, such as the transfer of the possession license for Zion Units 1 and 2 in FY 2010, the rate of completion of power reactor decommissioning may increase in the future. Additionally, staff expects to review another 10 CFR 20.2002 request for alternative disposal of Humboldt Bay decommissioning debris and soils. Staff also expects the Kewaunee Power Station to enter decommissioning in FY 2013, and will explore potential decommissioning issues related to Kewaunee and assess future work through changes in the budget planning process

Table 2-1 Power and Early Demonstration Reactors Undergoing Decommissioning

Reactor		Location	PSDAR* Submitted	LTP Submitted	LTP Approved	Completion of Decomm.**
1	Dresden Unit 1	Morris, IL	6/98	TBD	TBD	2036
2	Fermi Unit 1	Newport, MI	4/98	2011***	TBD	2032
3	Humboldt Bay	Eureka, CA	2/98	2011	TBD	2016
4	Indian Point Unit 1	Buchanan, NY	1/96	TBD	TBD	2026
5	La Crosse	La Crosse, WI	5/91	TBD	TBD	2026
6	Millstone Unit 1	Waterford, CT	6/99	TBD	TBD	TBD
7	Nuclear Ship Savannah	Baltimore, MD	12/08	TBD	TBD	2031
8	Peach Bottom Unit 1	Delta, PA	6/98	TBD	TBD	2034
9	San Onofre Unit 1	San Clemente, CA	12/98	TBD	TBD	2030
10	Three Mile Island Unit 2	Harrisburg, PA	TBD	TBD	TBD	TBD
11	Vallecitos Boiling Water Reactor	Pleasanton, CA	7/66	TBD	TBD	2019
12	Zion Units 1 & 2	Zion, IL	2/00	TBD	TBD	2020

TBD to be determined

* PSDAR or DP equivalent. Prior to August 28, 1996, the effective date of Final Rule “Decommissioning of Nuclear Power Reactors” (61 FR 39278; July 29, 1996), licensees submitted DPs (or equivalent).

** For decommissioning reactors with no ISFSI or an ISFSI licensed under 10 CFR Part 72, completion of decommissioning will result in the termination of the 10 CFR Part 50 license. For reactors with an ISFSI licensed under the provisions of 10 CFR Part 50, completion of decommissioning will result in reducing the 10 CFR Part 50 license boundary to the footprint of the ISFSI.

*** Licensing action put on hold at licensee’s request.

2.2 Research and Test Reactor Decommissioning

The NRC research and test reactor decommissioning activities include project management for the decommissioning of these reactors, technical review of licensee submittals in support of decommissioning, inspections, support for the development of rulemaking and guidance, public outreach, and participation in industry conferences and workshops. In addition, the staff routinely processes license amendments and exemptions to support the progressive stages of decommissioning. The staff regularly coordinates with other offices on issues affecting research and test reactors, both operating and decommissioning.

As of September 30, 2012, the 11 research and test reactors identified in Table 2-2 were undergoing decommissioning. Plant status summaries for all decommissioning research and test reactors are available at <http://www.nrc.gov/info-finder/decommissioning/research-test/>.

2.2.1 Decommissioning Process

The decommissioning process begins when a licensee decides to permanently cease operations. The major steps of the decommissioning process are submittal, review and approval of a DP, implementation of the DP, and completion of decommissioning.

Application

Within two years following permanent cessation of operations, and in no case later than one year before license expiration, the licensee must submit a written application for license termination to the NRC. Each application for license termination must be accompanied by a DP submitted for NRC approval. The NRC and licensee hold presubmittal meetings to agree on the format and content of the DP. These meetings are open to the public, and intended to improve the efficiency of the DP development and review process.

Decommissioning Plan

The DP must include the following:

- The choice of the alternative³ for decommissioning with a description of the planned decommissioning activities;
- A description of the controls and limits on procedures and equipment to protect occupational and public health and safety;
- A description of the planned final radiation survey;

³ An alternative is acceptable if it provides for completion of decommissioning without significant delay. Consideration will be given to delayed alternatives only when necessary to protect public health and safety, including cases where waste disposal capacity is unavailable or other site-specific conditions, such as the presence of co-located nuclear facilities, are a factor.

- An updated estimate of the expected costs for the alternative chosen, including the following:
 - A comparison with the estimated present funds set aside for decommissioning.
 - A plan for assuring the availability of adequate funds for completion of decommissioning.
- A description of technical specifications, quality assurance provisions, and physical security plan provisions in place during decommissioning.

In addition, the licensee should demonstrate that it will meet the applicable requirements of the LTR.

The technical review is guided by NUREG-1537, “Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors,” issued February 1996 (ADAMS No. ML042430055), and applicable portions of NUREG-1757. The DP is approved by license amendment, as a supplement to the Safety Evaluation Report (SER), or equivalent.

Implementation of the Decommissioning Plan

For DPs in which the major dismantlement activities are delayed by first placing the facility in storage, planning for these delayed activities may be less detailed. Updated detailed plans must be submitted and approved before the start of any dismantlement activities.

For DPs that delay completion of decommissioning by including a period of storage or surveillance, the licensee shall meet the following conditions:

- Funds needed to complete decommissioning will be placed into an account segregated from the licensee’s assets and outside the licensee’s administrative control during the storage or surveillance period, or a surety method or fund statement of intent will be maintained in accordance with the criteria of 10 CFR 50.75(e).
- Means will be included for adjusting cost estimates and associated funding levels over the storage or surveillance period.

After approval of the DP, the licensee or responsible party must complete decommissioning in accordance with the approved DP. The NRC staff will periodically inspect the decommissioning operations at the site to ensure compliance with the DP. These inspections will normally include in-process and confirmatory radiological surveys.

Completion of Decommissioning

At the conclusion of decommissioning activities, the licensee will submit an FSSR, which identifies the final radiological conditions of the site, and request that the NRC terminate the 10 CFR Part 50 license. The NRC will review the FSSR and the licensee’s termination request if it determines that the licensee has met the following conditions:

- The decommissioning has been performed in accordance with the approved DP.
- The final radiation survey and associated documentation demonstrate that the facility and site are suitable for release in accordance with the LTR.

2.2.2 Summary of Fiscal Year 2012 Activities

- Decommissioning was completed at the University of Arizona facility. The NRC conducted inspections and confirmatory surveys in late 2011, and the license was terminated in February 2012.
- The staff reviewed the license termination request for NASA Mockup and Plum Brook reactors after decommissioning was completed. Staff work associated with the NASA Plum Brook Facility included the review of 18 FSSRs related to decommissioning activities. In-process inspections were conducted by Region III staff, and the Oak Ridge Institute for Science and Education performed confirmatory surveys of NASA's decommissioning activities.⁴
- Decommissioning was completed at the University of Illinois Research Reactor facility in the summer of 2012. Regular inspections were performed since the beginning of active decommissioning in October 2011, and the NRC independent and confirmatory surveys were completed in July 2012.
- The staff conducted inspections at the Ford Nuclear Reactor and Worcester Polytechnic Institute facilities.

2.2.3 Fiscal Year 2013 Trends and Areas of Focus

Progress in research and test reactor decommissioning is expected to continue in FY 2013, as the Ford Nuclear Reactor, and Worcester Polytechnic Institute are all expected to complete decommissioning in FY 2013. Staff is awaiting the submittal of the FSSRs and request for license termination from the University of Illinois, which are expected in FY 2013. Staff also expects to take regulatory action on DPs for University of Buffalo and Veterans Administration.

⁴ NRC formally terminated the licenses for the NASA Mockup and Plum Brook reactors on October 10, 2012.

Table 2-2 Research and Test Reactors Undergoing Decommissioning

Reactor		Location	Status	Completion of Decomm.
1	Ford Nuclear Reactor	Ann Arbor, MI	DP Approved	2013
2	General Atomics TRIGA Mark F	San Diego, CA	DP Approved	2019
3	General Atomics TRIGA Mark I	San Diego, CA	DP Approved	2019
4	General Electric-Hitachi GETR	Sunol, CA	Possession-Only	2019
5	General Electric-Hitachi VESR	Sunol, CA	Possession-Only	2019
6	NASA Mockup*	Sandusky, OH	DP Approved	2012
7	NASA Plum Brook*	Sandusky, OH	DP Approved	2012
8	University of Buffalo	Buffalo, NY	Possession-Only	2014
9	University of Illinois	Urbana, IL	DP Approved	2013
10	Veterans Administration	Omaha, NE	DP Submitted	2014
11	Worcester Polytechnic Institute	Worcester, MA	DP Approved	2013
<p>* License was terminated between September 30, 2012, and the date this report was prepared.</p> <p>GETR General Electric Test Reactor NASA National Aeronautics and Space Administration TBD to be determined TRIGA Training, Research, Isotopes General Atomics VESR Vallecitos Experimental Superheat Reactor</p>				

2.3 Complex Material Facility Decommissioning

Materials facilities decommissioning activities include maintaining regulatory oversight of complex decommissioning sites, undertaking financial assurance reviews, examining issues and funding options to facilitate remediation of sites in non-Agreement States and sites in Agreement States that have exclusive federal jurisdiction, interacting with the U.S. Environmental Protection Agency (EPA), interacting with the U.S. Army Corps of Engineers (USACE), inspecting complex decommissioning sites, conducting public outreach, participating in international decommissioning activities, conducting program evaluations, and participating in industry conferences and workshops. In addition, the staff routinely reviews decommissioning financial assurance submittals for operating materials and fuel cycle facilities and maintains a financial instrument security program.

As of September 30, 2012, 17 complex materials sites are undergoing decommissioning (see Table 2-3). Complex material sites are defined as sites where the complexity of the decommissioning will require more than minimal technical and administrative support from the headquarters program office. It is expected that these sites will take more than a year to complete the decommissioning process. Examples of complex materials sites include: sites with groundwater contamination; sites containing significant soil contamination; sites in which the owners are in bankruptcy, any site where a decommissioning plan is required; all fuel cycle facilities undergoing decommissioning; and sites where there is significant public and/or Congressional interest.

Table 2-3 identifies whether the completion compliance criteria are based on the dose-based LTR criteria or the concentration-based Site Decommissioning Management Plan (SDMP) Action Plan criteria. Under the provisions of 10 CFR 20.1401(b), any licensee or responsible party that submitted its DP before August 20, 1998, and received NRC approval of that DP before August 20, 1999, may use the SDMP Action Plan criteria for site remediation. In the staff requirements memorandum on SECY-99-195, "Notation Vote on an Exemption for Decommissioning Management Program Sites with Decommissioning Plans under Nuclear Regulatory Commission Review and Eligible for Grandfathering, Pursuant to 10 CFR 20.1401(b)(3)," dated August 18, 1999, the Commission granted an extension of the DP approval deadline for 12 sites to August 20, 2000. In September 2000, the staff notified the Commission that the NRC had approved all 12 DPs by the deadline. All other sites must use the dose-based criteria of the LTR. Only one complex material site remains eligible to use the SDMP Action Plan criteria (see Table 2-3).

Status summaries for the complex materials sites undergoing decommissioning are provided at <http://www.nrc.gov/info-finder/decommissioning/complex/>.

2.3.1 Decommissioning Process

Any one of the following events can initiate the decommissioning process:

- The license expires;

- The licensee has decided to permanently cease operations at the entire site (or in any separate building or outdoor area that contains residual radioactivity, such that the building or outdoor area is unsuitable for release in accordance with the NRC requirements). In the parenthetical cases, the decommissioning process does not lead to license termination;
- No principal activities have been conducted for a period of 24 months;
- No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity, such that the building or outdoor area is unsuitable for release in accordance with the NRC requirements. In these cases, the decommissioning process does not lead to license termination.

Major steps in the decommissioning process are notification of cessation of operations, submittal, review and approval of the DP, implementation of the DP, and completion of decommissioning.

Notification

Within 60 days of the occurrence of any of the triggering conditions, the licensee or responsible party is required to notify the NRC of such occurrence and either begin decommissioning or, if required, submit a DP within 12 months of notification and begin decommissioning after approval of the plan.⁵ With the NRC approval, the regulations allow alternative schedules.

Decommissioning Plan

A DP must be submitted if required by license condition or if the NRC has not previously approved the procedures and activities necessary to decommission and the procedures could increase potential health and safety impacts on workers or the public, such as in any of the following cases:

- Procedures would involve techniques not applied routinely during cleanup or maintenance operations;
- Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;
- Procedures could result in significantly greater airborne concentrations than are present during operations;
- Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operations.

⁵ Unlike the case of nuclear power reactor decommissioning, complex material site licensees or responsible parties cannot proceed with decommissioning until the DP is approved.

Generally, before submitting a DP, the licensee or responsible party meets with the NRC to agree on the form and content of the DP. This presubmittal meeting is intended to make the DP review process more efficient by reducing the need for requests for additional information (RAIs). It is important for the NRC and the licensee to work effectively in a cooperative manner to resolve the issues that make the decommissioning of complex sites challenging.

In a process similar to LTPs and research and test reactor DPs, the complex material site DP review process begins with an acceptance review, to ensure that the DP contains: (1) all required information; (2) legible drawings; (3) justification for any proprietary information claims; and, (4) no obvious technical inadequacies. The objective of the acceptance review is to verify that the application contains sufficient information before the staff begins an in-depth technical review. In addition, the staff will conduct a limited technical review to identify significant technical deficiencies at an early stage, thereby avoiding a detailed technical review of a technically inadequate submittal. At the conclusion of the acceptance review, the NRC will either accept the DP for detailed technical review or not accept it and return it to the licensee or responsible party with the deficiencies identified. The staff's detailed technical review is guided by NUREG-1757 and its supporting references.

The staff documents the results of its detailed technical review in an SER and either an Environmental Assessment (EA) or EIS. If an EA is developed and a Finding of No Significant Impact (FONSI) is made, the final EA is published in full or summary form in the *Federal Register*. If a FONSI cannot be made, an EIS is developed. Before finalizing the EA/EIS, the staff provides its draft to the appropriate State agency for review and comment.

The NRC conducts reviews of DPs proposing restricted release in two phases. The first phase of the review focuses on the financial assurance and institutional control provisions of the DP. The staff will begin the review of the remainder of the DP only after it is satisfied that the licensee's or responsible party's proposed institutional control and financial assurance provisions comply with the requirements of the LTR. The applicable portions of NUREG-1757 guide both phases of the review.

The second phase of the review addresses all other sections of the technical review and will usually include the development of an EIS. If an EIS is to be prepared, the following steps are taken:

- Publication of a Notice of Intent;
- Public scoping meeting;
- Preparation and publication of the scoping report;
- Preparation and publication of the draft EIS;
- Public comment period on the draft EIS, including a public meeting; and
- Preparation and publication of the final EIS.

In parallel with the development of the EIS, the staff develops a draft and final SER. The staff coordinates the development of the draft SER with the development of the draft EIS so that any RAIs can be consolidated.

Regardless of whether an EA or EIS is developed, the staff structures its reviews to minimize the number of RAIs, without diminishing the technical quality or completeness of the licensee's or responsible party's ultimate submittal. For example, the staff first develops a set of additional information needs and clarifications, including the bases for the additional information and clarifications, and then meets with the licensee or responsible party to discuss the issues. The staff gives notice of, and conducts, this meeting in accordance with the NRC requirements for meetings open to the public. The staff documents the results of the meeting in a meeting report. The formal RAI includes any issues that cannot be resolved during the meeting. In developing the final RAI, the staff documents the insufficient or inadequate information submitted by the licensee or responsible party and communicates what additional information is needed to address the identified deficiencies. The quality and completeness of the licensee's DP factor directly into the scope and extent of the NRC's RAIs.

After publication of the FONSI or EIS, and presuming a determination that the DP is otherwise acceptable, the NRC issues a license amendment, approving the DP, along with any additional license conditions found to be necessary as a result of the findings of the EA, EIS, and/or the SER.

Implementation of the Decommissioning Plan

After approval of the DP, the licensee or responsible party must complete decommissioning within 24 months in accordance with the approved DP, or apply for an alternate schedule. The NRC staff will periodically inspect the decommissioning operations at the site to ensure compliance with the DP. These inspections will normally include in-process and confirmatory radiological surveys.

Completion of Decommissioning

As the final step in decommissioning, the licensee or responsible party is required to do the following:

- Certify the disposition of all regulated material, including accumulated wastes, by submitting a completed NRC Form 314, "Certificate of Disposition of Materials," or equivalent information.
- Conduct a radiation survey of the premises where licensed activities were carried out (in accordance with the procedures in the approved DP, if a DP is required) and submit a report of the results of the final status survey, unless the licensee or responsible party demonstrates in some other manner that the premises are suitable for release in accordance with the LTR.

Licenses are terminated or the site is released by written notice when the NRC determines that the licensee has met the following conditions:

- Regulated material has been disposed of properly.
- Reasonable effort has been made to eliminate residual radioactive contamination, if present.
- The radiation survey has been performed or other information submitted by the licensee or responsible party demonstrates that the premises are suitable for release in accordance with the LTR.

2.3.2 Summary of Fiscal Year 2012 Activities

- In October 2011, staff approved the Westinghouse Electric-Hematite Decommissioning Plan for Westinghouse's former Fuel Fabrication facility in Festus, Missouri. The approval of the Decommissioning Plan involved several challenges. Located on the Hematite site were numerous documented and undocumented burial pits. Because these pits possibly contained SNM and/or classified equipment, it was necessary that the Hematite Decommissioning Plan incorporate within its Fundamental Nuclear Material Control and Physical Security Plans and within its nuclear criticality assessments those necessary actions, processes and procedures should Category I material and/or equipment be identified. Since Westinghouse was suing the Federal Government to recover remediation expenses, the staff facilitated an approach to criticality safety, physical security, and material control and accountability that included contingency actions to adequately protect public health and safety. The settlement of the lawsuit required engaging the cooperation of the U.S. Department of Justice, the U.S. Department of the Navy, and DOE to establish a protocol in the event that certain types of equipment and/or Category I material were identified. In parallel with the approval of the Decommissioning Plan was the approval of the first 10 CFR 20.2002 alternate disposal request involving special nuclear material. At the end of FY 2012, the licensee was remediating burial pits and shipping waste involving SNM under an approved 10 CFR 20.2002 alternate disposal request.
- Region III staff reviewed and approved the final status survey report for the NWI Breckenridge site in Breckenridge, MI, after remediation activities were completed in late 2011. Region III staff worked for many years with the Bankruptcy Trustee of this formerly designated SDMP complex site to complete the safe remediation. The site was released for unrestricted use in March 2012.
- Decommissioning activities have been completed at the ABB Prospects site, a former nuclear manufacturing facility located in Connecticut. In February 2012, the NRC terminated ABB's SNM license. However, the byproduct license has not yet been terminated and an environmental assessment review is in progress. In FY 2012, the NRC coordinated reviews of FSSRs with the State of Connecticut and USACE and completed site inspections. The ABB site is expected to begin the process for license termination in FY 2013.

- Staff reviewed Post Remedial Action Reports submitted by USACE for the Stepan site in Maywood, NJ. Control of the site was relinquished after completion of USACE's remediation activities, and the licensee assumed physical control of the site in May 2012. Stepan's license was reinstated in May 2012 after it had been suspended since 2008 to allow for USACE to conduct remediation activities at the site. Stepan is expected to begin the process for license termination in FY 2013.⁶
- Considerable decommissioning progress was made at the Mallinckrodt site in St. Louis, MO. Mallinckrodt completed removal of most of the contaminated soil from the NRC-licensed portion of the site and is currently conducting final status surveys.
- With respect to the Cimarron (Kerr-McGee) site in Crescent, OK, the staff worked with the site trustee and the Oklahoma Department of Environmental Quality to identify and resolve technical and financial issues related to decommissioning. In addition, the NRC and State of Oklahoma staff participated in a public meeting that the site trustee held in June 2012 to inform the public of plans for decommissioning the site and to obtain input from the public.
- Inspections or site visits were performed at Cimarron, FMRI, Mallinckrodt, NWI Breckenridge, West Valley, Stepan, Shallow Land Disposal Area, UNC Naval Products, and Westinghouse Electric-Hematite facilities. The staff also conducted site visits at McClellan Air Force Base, Alameda Naval Air Station, and Hunters Point Shipyard.

Other significant activities are described below.

Shallow Land Disposal Area

After the NRC placed the BWX Technologies, Inc., license in abeyance for the Shallow Land Disposal Area (SLDA) site, USACE assumed physical possession of the site on August 22, 2011, and began cleanup activities. The USACE is congressionally mandated to clean-up the SLDA site under the Formerly Utilized Sites Remediation Action Program (FUSRAP).

On September 30, 2011, USACE ceased excavation activities because their contractor deviated from accepted field procedures. The exhumed material was beyond the scope of USACE's established procedures. In response, the NRC staff provided technical guidance and conducted several site visits. In early 2012, the SLDA site came under policy review due to growing concerns about the cost for management and disposal of exhumed material. In ensuing months, the SLDA site garnered public attention. The NRC, in a supportive role, attended public meetings in March and June 2012, which were coordinated by USACE. By mid-August 2012, all exhumed material was safely shipped off-site.

In FY 2012, the NRC also participated in several interagency meetings with USACE and other Federal partners because the U.S Army requested a re-evaluation of its program authority and

⁶ The information in this paragraph applies only to the three burial pits that constitute the NRC-licensed portion of the Stepan site.

the Federal approach for a long-term remedial action strategy. On August 10, 2012, a consensus was reached that USACE would remain the lead agency for the SLDA remediation project with on-site support from DOE and with the NRC remaining in its consulting role.

One challenging aspect of this cleanup effort is that the records and type of material disposed in the ten (10) burial trenches at SLDA site are incomplete. The NRC staff will continue to work collaboratively with USACE to revise future Work Plans prior to the resumption of remediation activities. In the interim, the NRC staff is assisting with the development of an interagency Memorandum of Understanding among USACE, DOE and the NRC that defines the role of each Federal entity throughout the remainder of the remediation process.

Hunters Point, McClellan, and Alameda Military Sites in California

The staff continued implementing the Limited Involvement Approach approved by the Commission in June 2008 for the Navy's remediation of the Hunters Point Shipyard site in San Francisco, California. See Staff Requirements Memorandum (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," dated June 28, 2008. This approach includes reliance on the Navy's ongoing remediation of this Superfund site conducted under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) process and with EPA oversight. The primary purpose of the NRC's Limited Involvement Approach is to stay informed about the ongoing Navy remediation activities and confirm its continued reliance on the CERCLA process and EPA oversight. The staff also utilized the same approach for the McClellan former Air Force Base, a Superfund site in Sacramento, California, and the Navy's Alameda Naval Air Station in Alameda, California. The staff conducted its fourth annual visit to these sites in April 2012, which included site visits with the Navy and Air Force, along with meetings with EPA Region 9, and State of California agencies. These discussions with the principal stakeholders that are participating in the ongoing remediation process continue to be an effective way to understand the remediation progress, issues that are being addressed, and the oversight activities of EPA and the State agencies. Based on these interactions, the staff plans to continue its reliance on the CERCLA process and EPA oversight at these three sites.

Clarification of the NRC's Jurisdiction of Military Radium-226

The Statement of Considerations for the NRC's November 2007 NARM rule included a commitment for the NRC to interact with the military to obtain a common understanding of the uses of discrete sources of radium-226 and resolve any potential conflicts on a case-by-case basis. Issues and staff recommendations for clarifying the NRC's jurisdiction for certain types of radium-226 under military control were identified in a February 16, 2011, SECY paper (SECY-11-0023). On March 24, 2011, the Commission approved the staff's recommendation to prepare a guidance document and *Federal Register* notice (FRN) clarifying that certain types of military radium-226 would be subject to the NRC regulations, and described possible regulatory approaches to be used to implement the NRC authority for radium-226 contamination and radium-226 in items and equipment (SRM-SECY-11-0023). The FRN and associated draft Regulatory Issue Summary (RIS) were issued on July 8, 2011 (76 FR 40282), for public comment.

The initial 60-day public comment period was reopened for an additional 75 days until November 29, 2011. During this extended public comment period, on November 1, 2011, the staff conducted a public meeting with the U.S. Department of Defense (DoD) to discuss the draft RIS and DoD preliminary concerns and questions. On November 28, 2011, DoD submitted its formal comments on the draft RIS.

Eleven public comment letters were received during the public comment period. Five commenters support the proposed clarifications in the draft RIS, including the California Department of Public Health and the California Department of Toxic Substances Control, which are two of the State agencies involved with military remediation in California. Other commenters note that the draft RIS is taking a “backseat role” and more NRC involvement is needed. Four commenters were neutral, but raise implementation challenges. For example, EPA Region 9 believes that the regulatory approach proposed in the draft RIS could complicate military cleanup. DoD provided two comment letters—one requesting the 75-day extension of the public comment period and a second letter that strongly opposed the draft RIS. The principle concerns raised by DoD were: (1) the clarifications in the draft RIS are inconsistent with the Energy Policy Act of 2005; and (2) the NRC regulation of non-National Priorities List sites would result in dual regulation that would cause duplication of military cleanup efforts being conducted under the CERCLA process and additional cleanup costs and delays. Despite its opposition, DoD expressed support for further joint discussions on how the NRC can be appropriately involved during the military’s remediation so as to avoid duplication of regulatory requirements and effort.

The NRC staff met with a DoD working group consisting of representatives from each of the military services and the Office of the Deputy Under Secretary of Defense (Installations and Environment) Environmental Management. From February to August 2012, the staff and DoD met four times to discuss potential resolution of DoD’s major comments in the following areas: (1) remediation process; (2) regulating radium on operational firing ranges and the NRC and DoD options for the NRC oversight of site remediation without EPA regulatory oversight; (3) items and equipment in storage; and (4) further detail on the NRC and DoD options for oversight and the NRC’s draft memorandum of understanding. The staff is using these discussions to prepare responses to DoD comments and a revised RIS.

Army Depleted Uranium License Application

In 2012, the NRC staff continued its review of the U.S. Army’s depleted uranium license application and their Radiation Safety, Physical Security, Range Safety, and Environmental Radiation Monitoring Plans for the Schofield Barracks and Pohakuloa Training Area in Hawaii. Staff provided several rounds of RAIs and reviewed several revisions of the aforementioned Plans. Staff developed a draft license with extensive license conditions, and held a public meeting/webinar to discuss the NRC reviews. Staff also undertook consultations with Native Hawaiian Organizations, State of Hawaii, and U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act.

2.3.3 Fiscal Year 2013 Trends and Areas of Focus

Progress in the decommissioning of complex material sites is expected to increase in FY 2013, with sites such as ABB Prospects, Stepan, and Mallinckrodt expected to complete decommissioning or license termination in the coming year. The staff will also continue its focus on Army sites with depleted uranium contamination, and continue to work with DoD toward clarifying the NRC's jurisdiction of military radium-226 and involvement with military remediation of residual radioactive material.

Table 2-3 Complex Decommissioning Sites

Name	Location	Date DP Submitted	Date DP Approved	Compliance Criteria	Projected Removal	
1	AAR Manufacturing, Inc.	Livonia, MI	10/97 revised 9/06, 4/07 ⁺	5/98 TBD	LTR-UNRES	TBD
2	ABB Prospects, Inc.	Windsor, CT	4/03	6/04	LTR-UNRES	2013
3	ABC Labs	Columbia, MO	10/09	TBD	LTR-UNRES	2013
4	Alameda Naval Air Station**	Alameda, CA	N/A	N/A	N/A	N/A
5	Beltsville Agricultural Research Laboratory	Beltsville, MD	8/09	TBD	LTR-UNRES	2014
6	Cimarron (Kerr-McGee)	Cimarron, OK	4/95	8/99	Action-UNRES	2017
7	FMRI (Fansteel), Inc.	Muskogee, OK	8/99, revised 5/03	12/03	LTR-UNRES	2023
8	Hunter's Point Naval Shipyard** (former Naval shipyard)	San Francisco, CA	N/A	N/A	N/A	N/A
9	Jefferson Proving Ground	Madison, IN	8/99 revised 6/02, resubmittal planned 9/13	10/02 TBD	LTR-RES	2014

Table 2-3 Complex Decommissioning Sites

Name		Location	Date DP Submitted	Date DP Approved	Compliance Criteria	Projected Removal
10	Mallinckrodt Chemical, Inc.	St. Louis, MO	Phase 1 11/97, Phase 2 9/08	Phase 1 5/02, Phase 2 7/10	LTR-UNRES	2013
11	McClellan** (former Air Force base)	Sacramento, CA	N/A	N/A	N/A	N/A
12	Shallow Land Disposal Area (BWX Technologies, Inc.)	Vandergrift, PA	6/01 revised N/A	N/A	LTR-UNRES	2020
13	Sigma-Aldrich	Maryland Heights, MO	10/08, revised 11/10	5/09, revised TBD	LTR-UNRES	2013
14	Stepan Company	Maywood, NJ	N/A	N/A	LTR-UNRES	2013
15	UNC Naval Products	New Haven, CT	8/98, revised 2004, 12/06	4/99, revised 10/07	LTR-UNRES	TBD
16	West Valley Demonstration Project	West Valley, NY	Phase 1 3/09	Phase 1 2/10	LTR-UNRES*	TBD
17	Westinghouse Electric-Hematite Facility	Festus, MO	4/04 revised 6/06, 8/09	10/11	LTR-UNRES	2014

- + The staff is currently reviewing the draft legal agreement and restrictive covenant for restricted use.
- * The West Valley Phase I DP includes plans to release a large portion of the site for unrestricted use, while the remainder of the site may have a perpetual license or be released with restrictions.
- ** The Hunter's Point Shipyard and Alameda Naval Air Station sites are being remediated by the Navy, and the McClellan site is being remediated by the Air Force, under the required CERCLA process and EPA oversight. It is assumed that some licensable material might be present at both sites; however, the NRC has not licensed these sites. Instead, the Commission has approved a "limited involvement approach to stay informed" and will rely on the ongoing CERCLA process and EPA oversight. More information is available on this approach in SECY-08-0077.

Notes:

- The compliance criteria identified in this table present the staff's most recent information but do not necessarily represent the current or likely outcome.
- Abbreviations used in this table include: "N/A" for not applicable, "TBD" for to be determined, "Action" for SDMP Action Plan criteria, "LTR" for LTR criteria, "RES" for restricted use, and "UNRES" for unrestricted use.
- Reasons for multiple DP submittals range from changes in the favored decommissioning approach, to the phased implementation of decommissioning, to poor submittals.

2.4 Uranium Recovery Facility Decommissioning⁷

In enacting the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA), as amended, Congress had two general goals. The first was to provide a remedial action program to stabilize and control the residual radioactive material at various identified inactive mill sites, the second was to ensure the adequate regulation of uranium production activities and cleanup of mill tailings at mill sites that were active and licensed by the NRC (or Agreement States). At the time, the NRC did not have direct regulatory control over uranium mill tailings. The tailings themselves did not fall into any category of NRC-licensable material. Before 1978, the NRC was regulating tailings at active mills indirectly through its licensing of source material milling operations under the Atomic Energy Act of 1954, as supplemented by authority provided by the National Environmental Policy Act of 1969, as it was then construed.

Through the provisions of Title I of UMTRCA, Congress addressed the problem of inactive, unregulated tailings piles. Title I of UMTRCA specifies the inactive processing sites for remediation. Except at the Atlas Moab site, surface reclamation activities have been completed and approved by the NRC at all Title I sites. However, groundwater cleanup is still ongoing at many of these Title I sites. When groundwater cleanup is completed, DOE will submit a revised long-term surveillance plan (LTSP) for the NRC concurrence. Table 2-4a identifies the 22 Title I sites that are undergoing decommissioning. Title 10 of the *Code of Federal Regulations* (10 CFR), Section 40.27, "General License for Custody and Long-Term Care of Residual Radioactive Material Disposal Sites," governs the long-term care of Title I sites under a general license held by either DOE or the State in which the site is located.

Title II of UMTRCA addresses mill tailings produced at active sites licensed by the NRC or an Agreement State. Title II amended the definition of byproduct material to include mill tailings and added specific authority for the Commission to regulate this new category of byproduct material at licensed sites. Title II uranium recovery decommissioning activities include regulatory oversight of decommissioning uranium recovery sites; review of site characterization plans and data; review and approval of reclamation plans (RPs); preparation of EAs and EISs; inspection of decommissioning activities, including confirmatory surveys; decommissioning cost estimate reviews, including annual surety updates; and oversight of license termination. Regulations governing uranium recovery facility decommissioning are at 10 CFR Part 40, "Domestic Licensing of Source Material," and in Appendix A to that Part, "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings of Wastes Produced by the Extraction or Concentration of Source Material from Ores Processed Primarily for Their Source Material Content." Licensed operations include conventional uranium mill facilities and in situ recovery (ISR) facilities, as both types of these facilities conduct "uranium milling" (as defined in 10 CFR 40.4). Table 2-4b identifies the Title II sites no longer operating and in decommissioning. As of September 30, 2009, 11 Title II uranium recovery facilities are undergoing decommissioning. Title 10 of the *Code of Federal Regulations*, Section 40.28, "General License for Custody and Long-Term Care of Uranium or Thorium Byproduct Materials Disposal Sites," governs the long-term care of Title II conventional uranium mill sites under a general license held by either DOE or the State in which the site is located. The six Title II sites that have been transferred for

⁷ This report does not address regulation of new or operating uranium recovery facilities with the exception of a brief discussion on their decommissioning.

long-term care are identified in Table 2-4c. Status summaries for the Title II sites undergoing decommissioning are provided at <http://www.nrc.gov/info-finder/decommissioning/uranium/>.

2.4.1 Decommissioning Process for Uranium Mills

These facilities are not subject to the license termination criteria set forth in Subpart E, “Radiological Criteria for License Termination,” to 10 CFR Part 20, “Standards for Protection Against Radiation.” Instead, they are subject to similar requirements in 10 CFR Part 40, Appendix A, as summarized below.

Any one of the following events may initiate the decommissioning process for uranium recovery facilities:

- The license expires or the license is revoked;
- The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area;
- No principal activities have been conducted for a period of 24 months (except for impoundments and disposal areas);
- No principal activities have been conducted for a period of 24 months in any separate building or outdoor area (except for impoundments and disposal areas).

The uranium recovery facility decommissioning process includes several major steps, depending on the type of facility. These steps may include notification of intent to decommission; submittal, review and approval of the DP⁸ or RP; implementation of the DP/RP; completion of decommissioning/reclamation; submittal and review of a completion report; submittal and review of a well-field restoration report (for ISR facilities); submittal and review of an LTSP for sites with tailings piles; termination of the license; and transfer of the property to the long-term care custodian, for sites with tailings piles, under a general license held by either DOE or a State.

Notification

Within 60 days of the occurrence of any of the triggering events, the licensee must notify the NRC of such occurrence and either begin decommissioning or, if required, submit a DP/RP within 12 months of notification and begin decommissioning upon plan approval. For new ISR or conventional facilities, the licensee submits groundwater restoration, surface reclamation, and facility DPs with the initial license application. The NRC reviews and approves these plans before issuing a license. For ISR facilities, groundwater restoration should occur at one well-field, while other well-fields are actively extracting uranium. Under 10 CFR 40.42(f), facilities may delay decommissioning if the NRC determines that such a delay is not detrimental to public health and the environment and is in the public interest.

⁸ For uranium recovery sites, DPs typically deal with the remediation of structures, while RPs typically deal with tailings impoundments, groundwater cleanup, and other remediation efforts.

Decommissioning Plan/Reclamation Plan—Existing Facilities

All uranium recovery facilities currently licensed by the NRC have NRC-approved DP/RPs. Therefore, for these facilities, the staff would review only amendments to the existing DP/RPs. Amendments would be necessary under the following circumstances:

- Environmental contamination exists or other new conditions arise that were not considered in the existing DP/RP;
- The licensee requests a change in reclamation design or procedures; or
- The licensee requests a change in the timing of restoration.

Depending on the complexity of the revision, a meeting between the licensee and the NRC staff may be warranted.

Decommissioning Plan/Reclamation Plan—New Facilities

Procedures for reviewing DP/RPs for new facilities are similar to those for existing facilities. Note that, under 10 CFR 51.20(b)(8), preparation of an EIS is a required part of the licensing process for new uranium milling facilities. A generic EIS is now in place for ISR facilities. Site specific supplemental EISs (SEISs) are being developed for the new ISR license applications under review, and these SEISs will tier off of the generic EIS.

Implementation of the Decommissioning Plan/Reclamation Plan

Typically, a DP/RP is submitted with an application for an ISR facility. As the licensee prepares to enter decommissioning, a revised DP/RP is submitted. After approval of the revised DP/RP, the licensee must complete decommissioning within 24 months or apply for an alternate schedule. For conventional facilities, with groundwater contamination, or for ISR facilities with well-field restoration, 24 months is usually insufficient, because remediation of groundwater contamination is more time-consuming than remediation of surface contamination. As such, an alternate schedule may be appropriate.

The NRC staff will inspect the licensee's activities during decommissioning/reclamation to ensure compliance with the DP/RP, associated license conditions, and the NRC and other applicable regulations (e.g., U.S. Department of Transportation regulations). The staff will also ensure that there is no degradation in groundwater quality after the completion and approval of groundwater restoration by monitoring the groundwater for a period of time.

Decommissioning at uranium recovery sites involves two main activities, surface reclamation (i.e., soil contamination cleanup, 11e.(2) byproduct material reclamation and disposal, equipment removal, and structure decommissioning), and groundwater restoration. Groundwater restoration is considered completed when concentrations on and off site (depending on the extent of contaminant migration) meet previously established groundwater protection standards in accordance with Appendix A of 10 CFR Part 40. For the groundwater constituents being monitored at a given site, three types of standards are potentially applicable in accordance with Criterion 5B(5) in Appendix A:

1. NRC-approved background concentrations;
2. Maximum contaminant levels established by the EPA (in Table 5C of 10 CFR Part 40, Appendix A); and
3. NRC-approved alternate concentration limits (ACLs).

If the licensee demonstrates that concentrations of monitored constituents cannot be restored to either background or Appendix A, Table 5C values (whichever value is higher), the staff may approve ACLs, after considering all the factors required in Appendix A, Criterion 5B(6). To obtain approval of ACLs, the licensee submits a license amendment request and a detailed environmental report that addresses all the Criterion 5B(6) factors. If the staff determines that the ACLs are protective of public health and the environment, the staff may approve the ACLs.

After surface decommissioning/reclamation is completed, the licensee issues a construction completion report for staff review and approval. As part of this review, the staff performs a completion inspection to confirm that surface reclamation was performed according to the DP/RP, license conditions, and the NRC regulations. Inspections also include surveys of tailings disposal areas to ensure that radon emissions comply with 10 CFR Part 40, Appendix A, Criterion 6. If additional information is required, the staff will issue RAs to address outstanding issues.

License Termination—Conventional Mills

After all reclamation activities have been completed and approved, the licensee, the NRC staff, and the long-term custodian will start license termination procedures. Before a conventional mill license is terminated, the custodial agency (i.e., State agency, DOE, or other Federal agency) will submit an LTSP for the NRC staff review and acceptance. The LTSP documents the custodian's responsibilities for long-term care, including security, inspections, groundwater and surface water monitoring, and remedial actions. Concurrent with the staff's acceptance of an LTSP, the existing license is terminated and titles to any mill tailings disposal sites are transferred to the custodian under 10 CFR 40.28, "General License for Custody and Long-Term Care of Uranium or Thorium Byproduct Materials Disposal Sites."

License Termination—In Situ Uranium Recovery Facilities

License termination at an ISR uranium recovery facility occurs when all groundwater is restored to acceptable levels and surface decommissioning/reclamation is completed and approved by the NRC. Surface decommissioning completion typically would include an inspection. Because 10 CFR Part 40, Appendix A, Criterion 2 generally prohibits ISR uranium extraction facility owners from disposing of 11e.(2) byproduct material at their sites, long-term care of ISR facilities by a governmental custodian under a general license is not required. However, ISR facilities are still required to find a licensed 11e.(2) disposal site for their waste, though some facilities are allowed to dispose of liquid wastes in deep disposal wells. Thus, all groundwater restoration and surface reclamation is performed so that the site can qualify for unrestricted release.

2.4.2 Summary of Fiscal Year 2012 Activities

- In FY 2012, the NRC staff conducted in-process inspections of the decommissioning activities at the Sequoyah Fuels site in Gore, OK. The completed work included the demolition of several buildings and the emplacement of waste into Phase I and Phase II areas of the onsite disposal cell. Sequoyah Fuels is remediating soil in the Phase III area of the onsite disposal cell, in preparation for cell construction in that area.
- In response to the FY 2011 audit by the Office of the Inspector General, staff developed and implemented a program to conduct observational site visits at sites that have been transferred to DOE and are generally licensed pursuant to 10 CFR 40.27 and 40.28. Site visits were conducted at Bluewater (Arco), Durango, L-Bar, Mexican Hat, Shiprock, Shirley Basin South, and Tuba City.
- Staff worked with the State of Wyoming and DOE to evaluate options for completing decommissioning at the ANC Gas Hills site given the limitations of available funds. A Confirmatory Order with the State mandating certain activities was modified to focus only on essential elements such as pumping the contaminated water under a corrective action program during the summer months, taking annual settlement measurements on Pond #1, and submitting an annual report to the NRC. Staff reviewed the annual settlement data for Pond #1 and determined that it still has not reached 90 percent settlement. The NRC is working with the State to evaluate the extent of the contaminated plume of ground water flowing to the north.
- The United Nuclear Corporation (UNC) Church Rock Mill site is designated a Superfund Site by the EPA. In response to the EPA's Non-Time-Critical Removal Action Memorandum that supported permanent disposal of approximately 1 million cubic yards of mine waste from the Northeast Church Rock Mine Site at the UNC Church Rock Mill, the NRC staff has been participating in quarterly teleconference discussions as part of the EPA's Technical Design Committee. In May 2012, the NRC staff also participated in annual interagency meetings with the EPA, New Mexico Environmental Department, DOE, Navajo Nation EPA and the Licensee to discuss outstanding technical issues such as the ongoing groundwater remediation effort at the UNC Church Rock Mill site. In August 2012, the NRC staff participated in two public meetings to discuss the unique EPA Proposed Plan to transfer Northeast Church Rock Mine waste to the UNC Church Rock Mill Site. The EPA's final decision on the Proposed Plan is expected in March 2013, and the NRC staff will continue to fulfill a technical supportive role on this issue. Notwithstanding the EPA's final decision on the Proposed Plan, no mine waste may be disposed of in the NRC-licensed mill site absent the NRC approval of a license amendment request from the licensee.
- Groundwater reclamation activities continue at the Homestake Mining Company site near Milan, New Mexico. Groundwater restoration activities are being conducted in accordance with the NRC License SUA-1471. In 2006, Homestake submitted an updated groundwater Corrective Action Plan for the NRC review and approval. The staff is coordinating its review of the updated Corrective Action Plan with the EPA

and State of New Mexico. Regulatory jurisdictional issues between the NRC, EPA and the State threaten to slow reclamation progress at the Homestake site.

- In FY 2012, staff continued its increased interaction with the Navajo Nation by participating in the EPA Navajo Nation Uranium Contamination Stakeholder Workshop and attending Navajo Nation/DOE Quarterly Meetings. The NRC Headquarters and Region IV managers and program staff also met with the Navajo Nation Abandoned Mine Lands/Uranium Mill Tailings Remedial Action Department, during the National Mining Association meeting in March 2012 to discuss the changes to the Navajo Nation government. In September 2012, site visits were conducted at all Navajo Nation sites. In FY 2012, staff continued its cooperative efforts with EPA, DOE, the Bureau of Indian Affairs, and the Indian Health Service on addressing issues raised in the Navajo Nation 5-Year Plan.
- In addition to the DOE observational site visits discussed above, site inspections or site visits were also performed at the ANC Gas Hills, UNC Church Rock, Sequoyah Fuels, Western Nuclear, and Moab sites.

2.4.3 Fiscal Year 2013 Trends and Areas of Focus

In FY 2013, the staff expects the completion of decommissioning at the Bear Creek and Pathfinder Lucky Mc facilities in Wyoming, and the subsequent transfer of these sites to the DOE for long term surveillance and monitoring. The staff will also be evaluating UNC Church Rock's license amendment request for changing groundwater background values, which will grant opportunities for public participation, as well as the license amendment request for the mine waste to be placed in the disposal cells. In FY 2013, staff will continue its outreach efforts for the four Title I sites located within the Navajo Nation by participating in future DOE/Navajo Nation/Hopi quarterly meetings, resources permitting, and to consult with the Navajo Nation on the review of DOE reports and plans for the reclamation and management of these sites. Staff will also continue to work with the State of Wyoming and DOE on a path forward for the ANC Gas Hills site.

Table 2-4a Decommissioning Title I Uranium Recovery Sites

	Name	Location	Status
1	Ambrosia Lake	New Mexico	Monitoring
2	Burrell	Pennsylvania	Monitoring
3	Canonsburg	Pennsylvania	Monitoring
4	Durango	Colorado	Active
5	Falls City	Texas	Monitoring
6	Grand Junction	Colorado	Monitoring
7	Green River	Utah	Active
8	Gunnison	Colorado	Active
9	Lakeview	Oregon	Active
10	Lowman	Idaho	Monitoring
11	Maybell	Colorado	Monitoring
12	Mexican Hat	Utah	Monitoring
13	Monument Valley	Arizona	Active
14	Moab Mill	Utah	Active
15	Naturita	Colorado	Monitoring
16	Rifle	Colorado	Active
17	Riverton	Wyoming	Monitoring
18	Salt Lake City	Utah	Monitoring
19	Shiprock	New Mexico	Active

Table 2-4a Decommissioning Title I Uranium Recovery Sites			
20	Slick Rock	Colorado	Active
21	Spook	Wyoming	Monitoring
22	Tuba City	Arizona	Active
<p>Note: Active denotes that a site is still undergoing surface reclamation or is resolving groundwater issues. Monitoring denotes that the site is being monitored under its LTSP or a groundwater compliance action plan.</p>			

Table 2-4b Decommissioning Title II Uranium Recovery Sites				
	Name	Location	DP/RP Approved	Completion of Decomm.
1	American Nuclear Corporation	Casper, WY	10/88, Revision 2006	2013
2	Bear Creek	Converse County, WY	5/89	2013
3	ExxonMobil Highlands	Converse County, WY	1990	TBD
4	Homestake Mining Company	Grants, NM	Revised plan—3/95	2017
5	Pathfinder—Lucky Mc	Gas Hills, WY	Revised plan—7/98	2013
6	Pathfinder—Shirley Basin	Shirley Basin, WY	Revised plan—12/97	TBD
7	Rio Algom—Ambrosia Lake	Grants, NM	2003 (mill); 2004 (soil)	2013
8	Sequoyah Fuels Corporation	Gore, OK	2008	2018
9	Umetco Minerals Corporation	East Gas Hills, WY	Revised soil plan—4/01	TBD
10	United Nuclear Corporation	Churchrock, NM	3/91, Revision 2005	TBD
11	Western Nuclear Inc.—Split Rock	Jeffrey City, WY	1997	TBD
<p>Note: COGEMA, Crow Butte, Kennecott Uranium Company, and Power Resources Inc., are all operating, or in standby, uranium recovery facilities in various stages of partial restoration/decommissioning.</p> <p>TBD to be determined</p>				

Table 2-4c Title II Uranium Recovery Sites – DOE Licensed Under 10 CFR 40.28			
	Name	Location	Transferred to DOE
1	Bluewater (Arco)	New Mexico	2003
2	Edgemont	South Dakota	2003
3	L-Bar	New Mexico	2003
4	Maybell West	Colorado	2010
5	Sherwood	Washington	2003
6	Shirley Basin South	Wyoming	2003

2.5 Fuel Cycle Facility Decommissioning

Currently, there are two fuel cycle facilities undergoing partial decommissioning: the Nuclear Fuel Services site in Erwin, TN, and the Honeywell site in Metropolis, IL. The NRC's public Web site at <http://www.nrc.gov/info-finder/decommissioning/fuel-cycle/> summarizes additional information about the status of these facilities.

2.5.1 Fuel Cycle Facility Decommissioning Process

The decommissioning processes for fuel cycle facilities and for complex material sites are similar (see Section 2.3.1). Decommissioning activities at fuel cycle facilities can be conducted during operations (partial decommissioning) or after the licensee has ceased all operational activities.

Project management responsibility for fuel cycle facilities resides within NMSS and the Division of Fuel Cycle Safety and Safeguards (FCSS) during licensee operations and partial site decommissioning with technical support from the Office of Federal and State Materials and Environmental Management Programs (FSME). In cases where the entire site is being decommissioned in support of license termination, the project management responsibility resides within FSME, and specifically, DWMEP. Project management responsibility for fuel cycle facilities is transferred from FCSS to DWMEP when the licensee has ceased all operational activities and a critical mass of material no longer remains at the site.

2.5.2 Summary of Fiscal Year 2012 Activities

Nuclear Fuel Services has continued to work toward releasing portions of an area within its site located in Erwin, TN. DWMEP staff is providing support to FCSS by reviewing FSSRs for several survey units in the North Site area of the site.

Honeywell has requested decommissioning of a portion of its Metropolis Works facility located in Metropolis, IL. Honeywell anticipates that plant operations would continue during and after the decommissioning. The DWMEP staff has been supporting FCSS in the review of Honeywell's DP for this partial decommissioning action. Honeywell's proposed decommissioning design presents several unusual challenges because Honeywell has elected to leave waste in place under unrestricted land use conditions. Complicating the NRC's evaluation is Honeywell's simultaneous request to EPA seeking closure of this same portion of the facility. DWMEP is nearing completion of the SER which will include the NRC's decision on the acceptability of Honeywell's DP.

Staff reviewed the proposed source reduction activities at the AREVA-Lynchburg uranium fuel fabrication site in Virginia as part of the licensee's proposal to ultimately transition from a SNM license to a Commonwealth of Virginia byproduct materials license, under which the future decommissioning of the facility will ultimately take place. The source reduction project was completed and the NRC SNM license was terminated in FY 2012.

3. GUIDANCE AND RULEMAKING ACTIVITIES

In FY 2012, the staff worked to increase the effectiveness of the Decommissioning Program and to gain a better perspective on decommissioning as a whole. The Decommissioning Program has been performing a self-evaluation of dose modeling to help it become more effective in the decommissioning of sites. Additionally, staff has been working on initiatives that will help prevent the creation of sites that are unable to complete decommissioning.

Division of Waste Management and Environmental Protection Self-Evaluation of Dose Modeling

DWMEP is conducting an evaluation of the uses and applicability of computer codes employed in carrying out DWMEP licensing activities, particularly those codes used for the demonstration of compliance with the decommissioning dose criteria. This evaluation is intended for DWMEP management's use when assessing ways to enhance the efficiency of the use of codes and models and to establish consistency and relevance in the selection of these computer codes and models. This activity is expected to continue into FY 2013.

Decommissioning Guidance

In June 2011, the NRC issued the Decommissioning Planning Rule (DPR) (76 FR 35512). Staff worked to revise Volume 3 of NUREG-1757, "Consolidated Decommissioning Guidance," so that it would be consistent with the DPR. This update was completed and the document was published in February 2012. It provides updated guidance on the technical aspects of compliance with requirements for timeliness in decommissioning of materials facilities, the requirements for financial assurance for decommissioning, and the recordkeeping requirements related to eventual decommissioning. Principal changes were made to the financial assurance guidance to help ensure adequate funds are available for decommissioning. Some examples include: eliminating financial mechanisms that do not correspond to the duration of decommissioning; recommending that licensees that rely on guarantees also establish Standby Trust Agreements; and, recommending that cost estimates be updated more frequently if contamination is detected that would, if left uncorrected, lead to a restricted release scenario.

Another guidance document in support of the DPR, Draft Regulatory Guide (DG)-4014 (ADAMS No. ML111590642), is soon to be issued as Regulatory Guide (RG) 4.22. It addresses the identification of contamination for which there must be decommissioning financial assurance. A preliminary draft of the guidance was issued in 2008 along with the proposed DPR. DG-4014 was issued for public comment in December 2011. An interim revision was issued in June 2012 for public comment to support a public meeting in July 2012. RG 4.22 is planned for release prior to the effective date of the DPR, December 17, 2012.

As the guidance for uranium recovery licensing goes back to the late 1970s, the NRC staff determined that a thorough reexamination, consolidation, and updating of the guidance being used by DWMEP staff would be appropriate. This update is being prepared as a 4th volume to NUREG-1757. This volume will incorporate those provisions and aspects of the existing uranium recovery guidance, which are specifically relevant to the reclamation, restoration and decommissioning of uranium recovery facilities. All commercial licensed facility types will be

addressed: convention mills, ISR, heap leach and byproduct recovery operations. This volume will incorporate provisions unique to byproduct material as defined in section 11(e).2 of the Atomic Energy Act of 1954, as amended, permanent waste disposal, and financial assurance, which are significantly different from such considerations in the decommissioning of other materials facilities. During FY 2012, the staff initiated drafting the guidance. As part of the approach to enhance early stakeholder input, the membership of the working group has been expanded to include the NRC Region IV staff and a representative from the Colorado Department of Public Health and Environment. This effort was discussed with stakeholders such as the National Mining Association.

4. RESEARCH ACTIVITIES

The Office of Nuclear Regulatory Research (RES) continues to focus its support on key decommissioning issues through a number of activities discussed below.

Field studies on the effects of coupling hydrology, erosion and erosion protection approaches on the performance of engineered covers to isolate waste were completed in FY 2012. Analysis of data is complete and the final reports will be completed in early FY 2013. The research thus far indicates that effective erosion control can be achieved with a variety of surfaces in addition to conventional rip rap. Gravel admixtures to fine-textured soil appear optimal, as they minimize erosion and enhance hydrologic control. Effective erosion control on steep slopes can be achieved using ribbons of rip rap or other coarse materials (i.e., they act as "speed bumps" for erosion), rather than continuous rip rap slopes. Conventional linear cover slopes are prone to change. Using a more natural non-linear grade reduces erosion and promotes long-term stability, but will be slightly more complicated to construct. Landform evolution models are valuable in identifying future shapes of covers. Creating cover designs that mimic the long-term geometry in the as-built condition reduces erosion and promotes better hydrologic control. The final report will include validation of the methodologies with field data, standard practices for calibrating and conducting landform simulations to assess and optimize coupled hydrologic-erosion design, a series of recommended erosion control strategies that result in acceptable hydrologic control, and a comparison of the findings between humid and semi-arid/arid sites to evaluate climate effects.

The RES staff is continuing the development or modification of computer codes useful for site decommissioning analyses. The incorporation of source-term modeling into RESRAD-OFFSITE is being implemented with Argonne National Laboratory (ANL) incorporating the Disposal Unit Source Term (DUST) code, which contains several source-term models and was prepared by Brookhaven National Laboratory, into RESRAD-OFFSITE. ANL is now preparing a final report on the use of the DUST-modified RESRAD-OFFSITE. Work will also be completed in FY 2013 to adapt the Decontamination and Decommissioning Code to current computational environments.

Cooperative efforts with the DOE, National Institute of Standards and Technology (NIST), and academic, private sector, and international experts continued on the Cementitious Barriers Partnership (CBP), which is in its fifth and final year. The CBP is a multi-disciplinary collaboration formed to develop the next generation of simulation tools to evaluate the structural, hydraulic and chemical performance of cementitious barriers used in nuclear applications over extended time frames (e.g., more than 100 years for operating facilities and greater than 1000 years for waste management applications). The CBP has published numerous reports assessing the behavior of cementitious materials for waste disposal and describing models for their evaluation and prediction of long-term processes. Complementary work at NIST to examine pore solution chemistry and mineral phases in cementitious composites with chemical and mineral admixtures has been completed. A final NUREG/CR report is under review.

In the biosphere research program, NUREG/CR-7120, "Radionuclide Behavior in Soils and Soil-to-Plant Concentration Ratios for Assessing Food-Chain Pathways" (ADAMS No. ML12104A017) was published in April 2012. Cooperative studies continued with Pacific Northwest National Laboratory (PNNL) and Oregon State University to study radionuclide uptake in fruit and nut trees. A NUREG/CR report on "Transfer Factors for Nuclide Uptake by Fruit and Nut Trees" is in preparation.

Researchers at PNNL and the United States Geological Survey (USGS) are completing their work to determine the long term efficacy of bioremediation of groundwater contaminated with uranium at both surficial sites and deeper ISR facilities. USGS has completed long term column experiments on the bioremediation of uranium in shallow aquifers. These results and those from the PNNL modeling show that uranium will be readily reoxidized and released to solution. The use of added iron (as proposed by a licensee) to generate large quantities of adsorptive minerals, was shown to have little effect. As a result, RES has recommended that this approach for shallow systems should not be relied on to sequester uranium. Experiments have been conducted to assess bioremediation of uranium at ISR sites with modeling activities for these sites nearing completion. Preliminary results for these deeper sites indicate that re-establishing the natural reducing conditions at depth can be an effective remediation strategy in spite of the severe disruption of the original biological community by the ISR process.

NUREG/CR-7105, "Radionuclide Release from Slag and Concrete Waste Materials, Part 2: Relationship between Laboratory Tests and Field Leaching" (ANL) (ADAMS No. ML11307A347), provides a discussion of the causes of differences in weathering and leaching rates of cement and slag wastes observed in laboratory and field tests. It includes a protocol that can be used by the NRC to integrate the results of short-term laboratory tests and field measurements that address long-term waste material degradation and leaching into the model calculations that are used to assess the stability of wastes at the NRC-regulated sites.

In January 2012, RES published NUREG/CR-7021, "A Subsurface Decision Model for Supporting Environmental Compliance," Robert Stewart, University of Tennessee (ADAMS No. ML12026A022). This report describes a process for evaluating subsurface contamination against regulatory standards. It documents the steps employed in the Spatial Analysis and Decision Assistance computer code.

The RES staff completed its participation in the Nuclear Energy Agency (NEA) Sorption Project, Phase III, to provide practical and widely accepted guidance for the use of reactive transport models in performance assessments of chemically complex sites with publication of "Thermodynamic Sorption Modeling in Support of Radioactive Waste Disposal Safety Cases," May 4, 2012, NEA#06914, ISBN: 978-92-64-17781-9. This report provides technical bases to support the use of thermodynamic sorption models in performance assessments.

The RES staff also provided direct assistance to FSME efforts through a variety of tasks that included: (1) contributing to the critical review and Technical Evaluation Report for the Savannah River F-Tanks Performance Assessment; (2) contributing to the Engineered Covers Technical Group evaluation of covers for UMTRCA wastes; and (3) participating in the MARSSIM Interagency Working Group.

5. INTERNATIONAL ACTIVITIES

The NRC participates in multiple international activities to fulfill U.S. commitments to international conventions, treaties, and bilateral/multilateral agreements. Staff is also actively engaged in developing and updating international radiation safety standards, and technical support documents through interaction with international organizations and governments including the International Atomic Energy Agency (IAEA) and the NEA (of the Organization for Economic Cooperation and Development). The NRC participates in bilateral and trilateral exchanges with other countries, hosting foreign assignees and providing reciprocal assignments, developing and providing workshops to requesting countries, and providing technical support as needed to the Office of International Programs. The NRC is generally recognized in the international nuclear community as an experienced leader in the regulation and safety of decommissioning, waste disposal, site remediation and environmental protection. Interaction with international organizations and governments allows the NRC to share insights about successful, safe, and effective decommissioning approaches. This interaction also allows the staff to provide input for various international guidance documents and standards that benefit other countries in establishing and implementing safe decommissioning strategies in the international community. Conversely, the staff gains insight into approaches and methodologies used in the international community and considers these approaches as they continue to risk-inform the NRC Decommissioning Program. The most significant of these activities are summarized below.

International Atomic Energy Agency Activities

- Staff participated in the review and development of IAEA Safety Standards, and also participated in IAEA projects related to decommissioning and waste disposal, the International Project on Evaluation and Demonstration of Safety for Decommissioning of Facilities Using Radioactive Material, and developing safety criteria/positions regarding exemption of decommissioning installations from liability under the Vienna Convention.
- Staff participated in the Integrated Regulatory Review Service (IRRS) Mission to Switzerland held November 18 to December 3, 2011, at the Swiss Federal Nuclear Safety Inspectorate Headquarters in Brugg, Switzerland. The purpose of the IRRS Mission was to review the effectiveness of the Swiss framework for safety within the competence of the Swiss Federal Nuclear Safety Inspectorate, with specific focus on nuclear and research reactors, transportation, decommissioning, and waste management facilities regulatory programs.
- Staff participated in an interagency (NRC, DOE, EPA and the State Department) delegation for the fourth triennial Review Meeting of the Contracting Parties of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management on May 14-23, 2012. Decommissioning of nuclear facilities was included in the scope of this convention for achieving a uniform global level of safety in such management of radioactive materials and activities. The DWMEP Division Director served as the Chairman of a Country Review Group and a member of the General Committee.

- The DWMEP Division Director was the U.S. representative to the IAEA Waste Safety Standards Committee. Within the past year, the staff participated in and supported IAEA activities through participation in the 32nd and 33rd semi-annual review cycles of the IAEA Waste Safety Standards Committee and meetings, held December 13–15, 2011 and July 2-6, 2012, respectively. Staff also coordinated reviews of several draft IAEA standards directly related to decommissioning, cleanup & remediation, and environmental monitoring during the review cycles.
- Staff from Region IV and the Office of International Programs participated in an IAEA-sponsored consultancy on the “Establishment of an Inspection Programme for the Decommissioning of Former Nuclear Activities in Iraq” in Amman, Jordan. Participants included representatives from the Iraqi Ministry of Environment’s Radiation Protection Center and the Iraqi Radioactive Source Regulatory Authority. The workshop focused on the programmatic and technical aspects of conducting decommissioning inspections and was oriented toward the decommissioning of Iraqi nuclear facilities damaged or destroyed in the Gulf Wars. Region IV also hosted three of the Iraqi representatives, on behalf of IAEA, to observe the NRC inspections at several active Region IV decommissioning sites.
- Several NRC managers participated in the 56th Annual Regular Session of the General Conference on September 17-21, 2012, in Vienna, Austria. The NRC provided a presentation on U.S. Legacy Sites at a side meeting.
- Members of the NRC staff participated at the October 2011 IAEA-sponsored workshop for the Research Reactor Decommissioning Demonstration Project at the Riso Technical Center in Roskilde, Denmark. Staff provided three lectures on decommissioning plans, decommissioning safety and decommissioning work integration. Staff participated as a mentor for the practical exercises in decommissioning safety assessment.
- The NRC provided technical experts to support the IAEA in the preparation of Safety Standards, which are drafted in consultancy meetings. The following meetings addressed decommissioning and other related issues specifically, as part of IAEA waste safety activities:
 - Consultancy Meeting to assist in the revision of a combination of Safety Guides WS-G-2.4, “Decommissioning of Fuel Cycle Facilities;” and WS-G-2.1, “Decommissioning of Nuclear Power Reactors and Research Reactors,” August 25 - September 1, 2012, at the Vienna International Center, Vienna, Austria.
 - Consultancy Meeting on Entombment as a Decommissioning Strategy on August 19-25, 2012, in Vienna, Austria.
 - Consultancy Meeting from January 30 to February 3, 2012, at the IAEA Headquarters in Vienna, Austria on:
 - Draft General Safety Requirements Part 6, “Decommissioning and Termination of Activities”, DS450
 - Draft Safety Guide DS403, “Decommissioning of Medical, Industrial and Research Facilities”

- Draft Safety Guide DS402, “Decommissioning of Nuclear Power Plants and Research Reactors”
- Draft Safety Guide DS404, “Decommissioning of Nuclear Fuel Cycle Facilities”
- New Draft Safety Guide DS452, “Decommissioning of Nuclear Facilities, except Facilities using NORM and Medical, Industrial, Research and Disposal Facilities”

Nuclear Energy Agency Activities

- The NRC contributed to the 15th Session of the NEA Radioactive Waste Management Committee Bureau Annual Report for the Radioactive Waste Management Committee.
- Staff continued as a U.S. representative and core group member of the NEA Working Party on Decommissioning and Dismantling.
- Staff participated in the Working Party on Decommissioning and Dismantling 13th annual meeting in Paris and delivered a presentation on “Decommissioning and Risk Approach to Remediation and Cleanup of Legacy Sites.”

International Conferences and Meetings

The NRC staff and senior managers participated in numerous conferences held domestically and overseas in topical areas including decommissioning. These include:

- The 14th International Conference on Environmental Remediation and Radioactive Waste Management held in Reims, France from September 26-29, 2011.
- The Uranium Mining and Remediation Exchange Group in Freiberg, Germany on September 21, 2011.
- The Waste Management Symposium Annual Conference held February 26–March 1, 2012, at the Phoenix Convention Center, Phoenix, Arizona.

6. PROGRAM INTEGRATION AND IMPROVEMENT

The Decommissioning Program currently encompasses power and early demonstration reactors, research and test reactors, complex materials facilities, fuel facilities, and uranium recovery facilities. In addition to the sites undergoing decommissioning regulated by the NRC, many complex decommissioning sites are being decommissioned under the purview of the Agreement States. Given this breadth of projects, the Decommissioning Program has undertaken many initiatives to keep abreast of sites undergoing decommissioning.

Comprehensive Decommissioning Program

The NRC has continued the implementation of an enhanced Comprehensive Decommissioning Program, which allows the NRC to compile, in a centralized location, more complete information on the status of decommissioning and decontamination of complex sites and uranium recovery sites in the United States. State contacts were provided a username and password to edit their site summaries in the NRC's Complex Sites Tracking System database as new information becomes available. Summaries of information on sites regulated by the Agreement States are currently available to the public to ensure openness and promote communication and thus enhance public confidence by providing them with a national perspective on decommissioning.

Knowledge Management

Progress continued on knowledge management activities identified in the staff's June 2010 Integrated Decommissioning Improvement Plan (IDIP), Rev. 3, with an ongoing emphasis on the uranium recovery part of the decommissioning program. These knowledge management activities should result in future efficiencies and enhancements in the staff's oversight of uranium recovery sites under general license with the DOE for long term surveillance as well as those uranium recovery sites in closure and under specific licenses to private entities.

As mentioned in Section 3, the staff continued to work on a multi-year effort to review, consolidate and update over 130 uranium recovery decommissioning guidance documents. When completed, this document will be published as Volume 4 of the Consolidated Decommissioning Guidance, NUREG-1757, and will be an important knowledge management accomplishment.

Two major tasks were completed that evaluated and documented extensive staff knowledge about engineered covers. These tasks are a follow up to work completed in FY 2011 by the working group "Engineered Covers Technical Group." The Center for Nuclear Waste Regulatory Analysis (CNWRA), an NRC contractor, completed the first task documenting the: (1) development of databases for radon emission fluxes and groundwater geochemical observations at 11 UMTRCA Title II sites; (2) site-specific analyses of cover performance with respect to radon emissions and groundwater releases; (3) analyses of methodology for estimating inflow through covers; and (4) recommended approaches for monitoring cover inflow at existing and potential future mill tailings sites. For this report, a large number of documents from the 1980s and 1990s related to the 38 uranium recovery sites were obtained, reviewed, pertinent information consolidated, and qualitatively evaluated, resulting in significant knowledge

preservation. The resulting report and databases provide easy access to this information for the NRC Project Managers. CNWRA staff provided the NRC with two databases and associated documentation and trained the NRC staff on operating and maintaining the databases. The second task involved the CNWRA evaluating how best to study performance-related long-term processes that occur in covers, and determining the feasibility of constructing an experimental cover on Southwest Research Institute property and monitoring it on a long-term basis. Numerous monitoring system designs were evaluated and documented, including potential advantages and disadvantages of the cover and monitoring design(s) and approximate associated costs for short-term construction and long-term monitoring. In addition, CNWRA staff evaluated the cover components to be monitored, data collection methods, and climate and location. Results will help staff determine usefulness and applicability of monitoring long-term significant processes on and in a possible experimental cover.

The staff also participated with DOE on a knowledge exchange of DOE's ongoing research on engineered covers related to uranium recovery sites. The staff observed the soil ripping evaluation in a test pad of DOE/LM's Enhanced Cover Assessment Project (ECAP). The test pad is essentially identical to the upper layers of the cover located at Grand Junction, and identical to the covers constructed in a nearby lysimeter test facility. The goal of ripping is to accelerate and enhance the transformation of a resistive cover into a water balance cover. DOE will use the results to choose the ripping method, if any, for use on one of its lysimeter test sections.

IDIP tasks for developing new training courses and methods were also completed. Two courses were added to iLearn in FY 2010—Visual Sample Plan and Health Physics for Uranium Recovery—were provided at Agreement State locations, allowing greater access to the States and reducing NRC costs. The MARSAME training class was added to iLearn and the first class was provided in early FY 2012. DWMEP issued a contract to ANL to upgrade the MILDOS-AREA computer code used for radon dose modeling of new applicants and expansion of existing uranium facilities. A new training class, MILDOS-AREA Training Workshop, sponsored by Human Resources – Training Resource Development, was piloted in FY 2012. At the request of an Agreement State, a new course, Characterization and Planning for Decommissioning, has been added in iLearn and will be given in early FY 2013. Interim guidance on sensitivity and uncertainty analyses was developed, in the form of a desk guide for staff use until it is incorporated into NUREG-1757, Volume 2, Appendix I.

Uranium Recovery Decommissioning Program Enhancements

In 2007, responsibility for the uranium recovery sites undergoing decommissioning was transferred to DWMEP, along with the staff from FCSS responsible for oversight of the decommissioning uranium recovery (UR) sites. At that time, the price of uranium was low and it was expected that most of the staff's efforts would be associated with the oversight of uranium recovery sites undergoing decommissioning. However, shortly after the transfer, the price of uranium increased significantly, resulting in the uranium industry submitting, or planning to submit over 25 applications for new and/or expanded facilities or to re-start facilities that were in standby. This resulted in the need to refocus uranium recovery staff efforts from the oversight of decommissioning sites to the review and approval of these new applications.

In order to accommodate this increase in uranium recovery site licensing, and to enhance the oversight of decommissioning uranium recovery facilities, the staff in FSME's Decommissioning and Uranium Recovery Licensing Directorate began a multi-phased effort focused on increasing the efficiency and the effectiveness of the oversight of decommissioning UR facilities.

Because of the efficiency gains realized through the enhancements in the decommissioning program, resources that would have been used in the materials and reactor decommissioning program are now used to oversee the uranium recovery sites undergoing decommissioning. Project management responsibility was transferred from the uranium recovery licensing staff to the materials/reactor decommissioning staff, allowing more staff resources to be devoted to these sites. This effort began in FY 2009 and was fully implemented in FY 2011.

In addition to the oversight activities by project managers, in FY 2012, staff developed and implemented a program to conduct observational site visits at sites that have been transferred to DOE and are generally licensed pursuant to 10 CFR 40.27 and 40.28. The effort included development of guidance for conducting the site visits, performing sites visits at a number of sites to determine the effectiveness of the guidance and to identify areas for improving the guidance. Based on improvements identified during site visits in 2012, the guidance was revised and reissued for use by Regional and Project Managers in September 2012. The guidance was also incorporated into Volume 4 of NUREG-1757 that is currently being developed.

The NRC staff also continued its interactions with DOE for those sites that are generally licensed under 10 CFR 40.27 and 40.28. Staff holds quarterly calls with DOE site Project Managers and contractors to discuss site status and issues. Staff is also working with DOE to develop a site transfer protocol and has provided comments to DOE on its site transfer guidance for DOE staff. Staff has also begun participating in DOE meetings with the Navajo Nation and Hopi Tribe pertaining to the sites on the Navajo Nation and Hopi reservation.

DOE routinely submits groundwater and data validation information to the NRC for each of the sites that it has responsibility for under UMTRCA. In FY 2011, staff began the development of a site activities/issues database to better track the review of these documents as well as issues that are complicating the oversight of the sites. Staff is also developing quantifiable metrics to track the review and comment or approval of the information for those sites that are specifically licensed and those that have transferred to DOE and are generally licensed under 10 CFR 40.27 and 40.28.

7. AGREEMENT STATE ACTIVITIES

Thirty-seven States have signed formal agreements with the NRC and assumed regulatory responsibility over certain byproduct, source, and small quantities of SNM, including the decommissioning of some complex materials sites. However, after a State becomes an Agreement State, the NRC continues to have formal and informal interactions with the State.

Formal interactions with Agreement States in FY 2012 included the following:

- DWMEP staff participated in the Conference of Radiation Control Program Directors (CRCPD) activities.
- DWMEP staff worked with the Agreement States to incorporate more detailed information about complex materials decommissioning sites and uranium recovery facilities undergoing decommissioning under the purview of the Agreement States on the decommissioning Web site. These site summaries are available at <http://www.nrc.gov/info-finder/decommissioning/complex/>.
- Integrated Materials Performance Evaluation Program reviews that included decommissioning were conducted in several Agreement States (Arizona, California, Iowa, Kentucky, Louisiana, Minnesota, Rhode Island, South Carolina, and Tennessee).
- NRC conducted a Health Physics for Uranium Recovery training course in Moab, Utah, which was attended by staff from many Agreement State programs.

Table 7-1 identifies the decommissioning and uranium recovery sites in the Agreement States.

Table 7-1 Agreement State Decommissioning Sites					
State	Name	Location	Date DP Submitted	Date DP Approved	Project Complete
CA	General Atomics	San Diego, CA	10/14/96	8/26/97	TBD
CA	Excel Research Services, Inc	Fresno, CA	6/22/06	8/30/07	TBD
CA	Providencia Holdings, Inc.	Burbank, CA	7/16/01	10/31/02	TBD
CA	Halaco	Oxnard, CA	TBD	TBD	TBD
CA	The Boeing Company	Simi Valley, CA		2/18/99	TBD
CA	Chevron Mining, Inc. (formerly Molycorp)	Mountain Pass, CA	6/9/06	TBD	TBD
CA	AeroJet Ordnance Company	Chino, CA	2/23/96	5/31/96	TBD
CA	Isotope Specialties	Burbank, CA	N/A	N/A	TBD
CA	Magnesium Alloy Products	Compton, CA	N/A	N/A	TBD
CO	Umetco Uravan	Uravan, CO		2/01/87	TBD
CO	Cotter Uranium Mill	Canon City, CO	2005, revision pending	2005, TBD	In standby. TBD if going into D&D.

Table 7-1 Agreement State Decommissioning Sites					
State	Name	Location	Date DP Submitted	Date DP Approved	Project Complete
CO	Schwartzwalder Mine (Cotter)	Golden, CO	12/01/96	1997	TBD
CO	Sweeney Mining and Milling	Boulder, CO	Pending	TBD	TBD
CO	Homestake Mining and Pitch	Sargeants, CO	05/01/01	06/01/01	TBD
CO	Redhill Forest	Fairplay, CO	Pending	TBD	TBD
CO	Clean Harbors	Deer Trail, CO	2005	2006	TBD
FL	Inuka Resources	Green Cove Springs, FL	TBD	TBD	TBD
IL	Spectrulite Consortium	Madison, IL	TBD	TBD	TBD
IL	TRONOX (formerly Kerr-McGee)	West Chicago, IL	09/01/93	09/01/94	Phase 1— 11/05 Phase 2— TBD
KS	Air Capitol Dial	Wichita, KS	TBD	TBD	TBD
KS	Aircraft Instrument & Development/RC Allen Instruments	Wichita, KS	TBD	TBD	TBD
KS	Century Instruments Corporation	Wichita, KS	TBD	TBD	TBD
MA	Shpack Landfill	Norton, MA	09/04	09/04	TBD

Table 7-1 Agreement State Decommissioning Sites					
State	Name	Location	Date DP Submitted	Date DP Approved	Project Complete
MA	BASF (formerly Engelhard)	Plainville, MA	None	N/A	TBD
MA	Starmet Corp. (formerly Nuclear Metals)	Concord, MA	10/06	Pending	TBD
MA	Wyman-Gordon Co.	North Grafton, MA	None	TBD	TBD
MA	Texas Instruments	Attleboro, MA	None	TBD	TBD
MA	Norton/St. Gobain	Worcester, MA	None	TBD	TBD
NE	LLWR Disposal Site (University of Nebraska-Lincoln)	Mead, NE	9/05/07	9/14/07	TBD
OH	Metallurg Vanadium Corp. (Formerly Shieldalloy Metallurgical Corp.)	Cambridge, OH	7/13/99	3/6/02	TBD
OH	Ineos USA, LLC (formerly BP Chemical)	Lima, OH	4/92	6/98	2020
OH	Advanced Medical Systems, Inc.	Cleveland, OH	6/01/04	5/23/05	2015
OR	TDY Industries d/b/a Wah Chang	Albany, OR	6/11/03	3/08/06	TBD
OR	PCC Structural, Inc.	Portland, OR	6/10/06	9/14/06	TBD
PA	Curtis-Wright Cheswick	Cheswick, PA	3/06	6/07	TBD

Table 7-1 Agreement State Decommissioning Sites					
State	Name	Location	Date DP Submitted	Date DP Approved	Project Complete
PA	Molycorp, Inc. (Washington)	Washington, PA	6/99	8/00	TBD
PA	Superbolt (formerly Superior Steel)	Carnegie, PA	None	TBD	TBD
PA	Quehanna (formerly Permagrain Products, Inc.)	Karthaus, PA	4/98, revised 3/03, 3/06	7/98, 9/03, 11/06	TBD
PA	Safety Light Corporation	Bloomsburg, PA	None	TBD	TBD
PA	Westinghouse Electric Corp. (Waltz Mill)	Madison, PA	4/97	1/00	TBD
PA	Whittaker Corporation	Greenville, PA	12/00, revised 8/03, 10/06	5/07	TBD
TX	ExxonMobil	Three Rivers, TX	4/85	9/82	TBD
TX	ConocoPhillips	Falls City, TX	11/87	9/80	TBD
TX	Rio Grande Resources	Hobson, TX	4/93 Alternate Concentration Limit—11/97	11/96	TBD
TX	COGEMA	Bruni, TX	11/03	4/06	Groundwater complete Surface ongoing

Table 7-1 Agreement State Decommissioning Sites					
State	Name	Location	Date DP Submitted	Date DP Approved	Project Complete
TX	Intercontinental Energy Corp.	Three Rivers, TX	3/03	Ongoing	Groundwater complete Surface TBD
TX	Everest Exploration, Inc. (decommissioning of Tex-1, Mt. Lucas sites)	Hobson and Dinero, TX	8/01	Ongoing	Groundwater complete Surface cleanup ongoing
UT	Rio Algom Uranium Mill	Lisbon Valley, UT	9/03/02	7/06/04	TBD
WA	Dawn Mining Company	Ford, WA	12/94	02/95	2013
D&D decontamination and decommissioning N/A not applicable TBD to be determined					

8. RESOURCES

The total Decommissioning Program staff budget for FY 2012 was 56 full-time equivalents (FTE); and for FY 2013, the program has 55 FTE. These resource figures include personnel to perform licensing casework directly related to decommissioning sites; inspections; project management and technical support for decommissioning power reactors, research and test reactors, complex materials sites, uranium mill tailings facilities, and fuel cycle facilities; development of rules and guidance; EISs and EAs; research to develop more realistic analytical tools to support licensing and rulemaking activities; and Office of the General Counsel support. These figures also include nonsupervisory indirect FTE associated with the Decommissioning Program, and safety and environmental reviews for new uranium recovery facilities.

9. FISCAL YEAR 2013 PLANNED PROGRAMMATIC ACTIVITIES

The staff plans the continued implementation of IDIP and its knowledge management tasks during FY 2013. Specifically, the NRC staff have identified knowledge management activities for documenting and exchanging decommissioning lessons learned for selected topics (e.g., uranium recovery, restricted release, and ALARA).

Work will continue on the update of uranium recovery decommissioning and reclamation guidance for Title I and II sites, which was one of the major tasks previously identified. In FY 2011, staff began a multi-year effort to review, consolidate, and update over 130 uranium recovery decommissioning guidance documents as part of the IDIP improvement process. This process will continue throughout FY 2013, and, when completed, this document will be published as Volume 4 of the Consolidated Decommissioning Guidance, NUREG-1757.

In early FY 2013, DWMEP staff will work with the Office of Information Services to incorporate fact sheets on the public Web site, which will replace the current site summaries for all NRC-regulated sites undergoing decommissioning. These fact sheets, developed by CNWRA and reviewed by the NRC project managers, will present relevant facility information more clearly, with a consistent format and scope. The staff will continue to update site information on a quarterly basis.

Regarding the question about the NRC jurisdiction for military radium-226, the staff plans on completing its discussions with DoD regarding the responses to DoD comments on the draft RIS. The staff currently plans on providing its evaluation of optimal recommendation to the Commission before finalizing the RIS.

In FY 2013, staff expects to complete a database of UMTRCA Title I and Title II sites. The database will contain basic information about each site, information for DOE/Native American points of contact, and a list of both historical and current site issues. This database will allow staff to better track the review of incoming groundwater and data validation information submittals.