

1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

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4 BRIEFING ON  
5 IMPLEMENTATION OF THE LICENSE TERMINATION RULE  
6 AND PROGRAM ON COMPLEX DECOMMISSIONING CASES

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8 PUBLIC MEETING

9  
10 Nuclear Regulatory Commission  
11 One White Flint North  
12 Rockville, Maryland  
13 Thursday, July 29, 1999

14  
15 The Commission met in open session, pursuant to  
16 notice, at 2:00 p.m., Greta J. Dicus, Chairman, presiding.

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18 COMMISSIONERS PRESENT:

- 19 GRETA J. DICUS, Chairman of the Commission
- 20 NILS J. DIAZ, Commissioner
- 21 EDWARD McGAFFIGAN, JR., Commissioner
- 22 JEFFREY S. MERRIFIELD, Commissioner

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1 STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

- 2 ANNETTE L. VIETTI-COOK, Secretary of the Commission
- 3 STEPHEN G. BURNS, Deputy General Counsel
- 4 WILLIAM TRAVERS, EDO
- 5 CARL PAPERIELLO, Director, Office of Nuclear Material
- 6 Safety and Safeguards
- 7 JOHN GREEVES, Director, Division of Waste Management,
- 8 NMSS
- 9 CHERYL TROTTIER, Chief, Radiation Protection,
- 10 Environmental Risk and Waste Management Branch, RES
- 11 LARRY CAMPER, Chief, Decommissioning Branch, NMSS
- 12 ROBERT NELSON, Chief, Special Projects Section,
- 13 Decommissioning Branch, NMSS

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

2 [2:00 p.m.]

3 CHAIRMAN DICUS: Good afternoon. I welcome you to  
4 this briefing on behalf of my fellow Commissioners.

5 Today the NRC staff will update the Commission on  
6 the status of the decommissioning program and the  
7 remediation of sites listed in the Site Decommissioning  
8 Management Plan, otherwise known as the SDMP.

9 Today's briefing is the first part of a two-part  
10 story on the progress being made in implementing the new  
11 license termination rule. The story concludes tomorrow  
12 morning when the NRC staff briefs the Commission at 9:30 on  
13 its performance assessment program, which covers the areas  
14 of site decommissioning, high level radioactive waste  
15 disposal and low level radioactive waste disposal.

16 A sound and supportable performance assessment  
17 capability is absolutely essential to the success of the  
18 decommissioning program and the implementation of the new  
19 rule.

20 Today, however, the Commission looks forward to  
21 hearing more about the staff's decommissioning program and  
22 the cleanup of our SDMP sites.

23 I understand that copies of the briefing charts  
24 are available at the entrance to the meeting room.

25 I would like to also add that along with this

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1 briefing the staff had prepared a Commission information  
2 paper, SECY-99-035, that provided an update of the  
3 significant activities that have taken place in the area of  
4 decommissioning. The staff's paper has been available on  
5 NRC web site for several months.

6 Would any of my colleagues like to make any  
7 opening statements?

8 Dr. Travers, would you please proceed.

9 MR. TRAVERS: Thank you, Chairman, and good  
10 afternoon. As you indicated, the focus of our briefing  
11 today is the status of the staff's implementation of the  
12 license termination rule with a particular focus on the  
13 status of the remediation of sites in the site  
14 decommissioning management program or plan.

15 In addition, we want to address the status of  
16 guidance development and staff initiatives for continued  
17 decommissioning program improvement.

18 I should point out that while the Office of  
19 Nuclear Material Safety and Safeguards has the overall  
20 management responsibility for this program, significant  
21 support is also provided from the Office of Nuclear  
22 Regulatory Research, from the Office of Nuclear Reactor  
23 Regulation, and the regions as well. Representatives of the  
24 offices are here today, and as I understand it the regions  
25 are observing this meeting with the Commission by video.

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1 Present with me at the table are Carl Paperiello,  
2 the Director of NMSS; John Greeves, who is going to be doing  
3 most of the presentation, Director of Division of Waste  
4 Management, NMSS; Cheryl Trottier, Chief of the Radiation  
5 Protection, Environmental Risk and Waste Management Branch,  
6 in Research; Larry Camper, who is the Chief of the  
7 Decommissioning Branch in NMSS; and Bob Nelson, who is the  
8 Section Chief of the Decommissioning Branch, NMSS.

9 Unless there are any questions, I will turn it  
10 over to John Greeves, who is going to be doing the bulk of  
11 the presentation.

12 MR. GREEVES: Good afternoon. As the Chairman  
13 mentioned, this is sort of in two parts. The first part of  
14 the discussion is going to focus pretty much on the sites  
15 that we have been working on and trying to clarify the  
16 status of those. Later today I will talk about  
17 implementation of the license termination rule, where we are  
18 in that process, and give some details.

19 Tomorrow we will identify the tools that have been  
20 developed to implement these types of activities in an area  
21 we refer to as performance assessment.

22 Chairman Dicus, you asked that we try and identify  
23 any policy issues as we go through these briefings. I will  
24 try and do that as I walk through the presentation and also  
25 give some feedback on our interaction with various

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1 stakeholders. I am going to include some of that in the  
2 presentation.

3 [Slides shown.]

4 MR. GREEVES: The first slide is the overview  
5 slide. I'm just going to go over the background for some of  
6 the people in the audience who may not be familiar with the  
7 program.

8 I will go over the status of the sites. There are  
9 a large number of sites that have been running through this  
10 program. We have got some good stories to tell and we have  
11 got some areas where we need to make some improvements, and  
12 I will make that clear.

13 We will talk about what our strategy is in terms  
14 of implementation of the license termination rule and some  
15 initiatives in improvements that we have put together and  
16 how we are coordinating across the offices. That is very  
17 important.

18 I will finish up with our forward view and  
19 identify what we see as some challenges.

20 John Hickey has been the chief of this branch and  
21 recently he and Larry Camper traded places. John Hickey has  
22 done this briefing in the past. I will do it this time, and  
23 we can look forward to Larry Camper picking it up next time.

24 The second slide is the background. I think the  
25 Commissioners are pretty familiar with it. As you know, it

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1 really goes back to the 1980s. Then-Congressman Synar had a  
2 hearing and invited DOE, EPA, NRC and asked the hard  
3 question: Where are we in setting these standards?  
4 Chairman Carr was part of that hearing and promised that we  
5 would make strides to go forward in this process.

6 Some of the things that were clear in that time  
7 frame was the lack of timeliness. We had a number of sites  
8 that were out there, including Apollo, Pennsylvania, which  
9 is very recognized; UNC Wood River Junction; and, for  
10 example, the Chevron Polling, New York, site. Progress just  
11 wasn't being made on these sites. So that was one of the  
12 issues.

13 Another was the evolving radiological criteria.  
14 The staff was using guidance to evaluate these sites. We  
15 had some branch technical positions addressing the uranium  
16 and thorium issues, and we were using Reg Guide 1.86 for  
17 surface contamination. These were the tools that we had  
18 available.

19 Financial assurance was a key issue. It was a big  
20 concern for all of us. We had a number of licensees that  
21 had a bankruptcy issue going on, and it really drove the  
22 early process of the rulemaking.

23 Incomplete records. There were a number of sites  
24 that there were just poor records on. We went back and  
25 looked at a number of old sites, which actually put more

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1 sites on the list. So this was one of the drivers.

2 The last one on this sheet is the lack of  
3 finality. There was not a clear standard by any of the  
4 agencies as to what was the standard to hold the licensees  
5 to by either EPA or NRC at that time.

6 The agency took a plan of action to address these  
7 issues. They started with the 1988 decommissioning  
8 procedures and financial assurance rule. This went part way  
9 to addressing that issue. It clearly addressed the  
10 financial assurance issue, which was one of the glaring  
11 issues at the time.

12 It set a release referred to as unrestricted. It  
13 did not address restricted release. Over time obviously we  
14 have dealt with that. But that was what we had available in  
15 1988.

16 In 1990 we put in place the Site Decommissioning  
17 Management Plan. At the time, we had on the order of 40  
18 sites, and it set a priority for these difficult sites and  
19 gave them high visibility within the Commission.

20 The Commission agreed to use, in an interim  
21 fashion, the criteria that the staff had been working on and  
22 worked towards getting a final criteria in place.

23 As part of that process, in 1993 the Commission  
24 put in place a recordkeeping rule to address that issue of  
25 lack of recordkeeping. At that point in time all licensees

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1 were responsible for keeping good records, keeping them in  
2 one spot, and doing a good job of being able to record the  
3 history. This was both for the materials and the reactor  
4 site. So this helped in that process.

5 In 1994 the timeliness rule was put in place.  
6 This was also necessary. There was not a good mechanism to  
7 force timely cleanup.

8 With the timeliness rule put in place in 1994, it  
9 set up a situation where if you wanted to stop your  
10 operation or even if you had an area that had stopped for a  
11 period of time, it gave the staff a tool to decide that,  
12 okay, you've stopped your operation in this area or this  
13 building for 24 months; you owe us a decommissioning plan.  
14 So that was a tool that was needed and was in place in 1994  
15 and has been working effectively to move these things along.

16 In 1996 the reactor decommissioning rule set up a  
17 process for the large reactor facilities to identify the  
18 back end of that process and also requirements for interface  
19 with the stakeholders.

20 The most recent one and the last one on the list  
21 is the license termination rule. It was by any measure  
22 probably the hardest one to work on and get in place, but  
23 the Commission was successful in 1997 in getting that key  
24 part to finish off the framework.

25 I will mention one of the concerns that we do bump

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1 into in the community with the stakeholders, and that is, is  
2 that final? Can we count on that? I think the Commission  
3 is quite aware of what the nature of those concerns are, but  
4 that is one of them that we face in meetings with  
5 stakeholders.

6 The next page is status of sites. There are a  
7 large number of these. We have made significant progress.  
8 Of the original 40-some sites, over half of those sites have  
9 been dispositioned, and I think that is a real sign of  
10 progress.

11 The number that are left. This is a little bit  
12 busy. I'm going to give a little more background on each of  
13 these categories.

14 We have already removed two this year and there  
15 are 34 sites in various categories which I will be  
16 explaining in the follow-up. The two that have already been  
17 removed were Chemtron sites, one at Harvard Avenue and Bird  
18 Avenue, and the Commission helped us out with that.

19 Actually, this set of sites is an example. It has  
20 been a long process with those sites in Ohio. There was a  
21 lot of public interaction, including the State of Ohio, in  
22 those particular sites.

23 It's a success story from my vantage point. It  
24 started, the first of these interactions, with kind of a  
25 site-specific advisory board. We didn't call it that back

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1 then. We called it a regulators group, but a lot of the  
2 early experience the staff has in that arena of working with  
3 other stakeholders we can attribute to those two sites, and  
4 the state worked very well with us.

5 There are 34 sites that are currently on the list.  
6 You can see the summary here. As I said, I'm going to  
7 deliver each of these categories in more detail. They are  
8 sort of split up into what we call a grandfathering  
9 category, which pretty much relies on things like soil  
10 concentrations and the license termination rule, which is a  
11 dose-based criteria.

12 At the bottom you will see 11 sites. Those are  
13 the more complicated sites, and I will finish off giving you  
14 a little flavor of where we see that going.

15 COMMISSIONER MERRIFIELD: Chairman, may I ask a  
16 clarifying question?

17 CHAIRMAN DICUS: Okay.

18 COMMISSIONER MERRIFIELD: In the discussion of  
19 these different subtopics, I am wondering if for the benefit  
20 of our audience you can explain what you mean by removal,  
21 whether that means clean, whether that means we are taking  
22 it out of the authority of the NRC and giving it to the  
23 states; what decommissioning means. Is it clean or not  
24 clean? That would be helpful as you explain your  
25 presentation.

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1 MR. GREEVES: I will give a short presentation and  
2 others can add to it.

3 For example, when we removed a site from the SDMP  
4 plan, it means we terminated the license. It doesn't mean  
5 the site is at background. When you look at the action plan  
6 criteria and the license termination criteria, there is a  
7 margin above background that is set up in those regulations  
8 that is allowed to be left at the site. That's a key issue  
9 on any site that we get involved with.

10 How much could you leave? You're not going to go  
11 back to background, but how much above background would you  
12 be leaving?

13 The clean answer to your original question is  
14 removal means the license was terminated. It doesn't mean  
15 that you can't go out there and sample and find some measure  
16 of radioactivity.

17 COMMISSIONER MERRIFIELD: For the sake of  
18 clarifying for the audience and for me too, when you say  
19 it's terminated, does that mean that activities necessary to

20 prepare the site for its future use have been completed?  
21 MR. GREEVES: I will ask others to help me, but to  
22 me, when it's terminated it means that the NRC regulatory  
23 responsibility is over. The future activities of many of  
24 these sites is not clear. Most of these are going for  
25 unrestricted use.

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1 MR. BURNS: I understand it's release for  
2 unrestricted use; our regulatory jurisdiction is terminated.

3 MR. GREEVES: In those cases we make the  
4 conservative assumptions of people coming back on the site,  
5 and if it's feasible, setting up a farm or something like  
6 that. If it's not, then that particular scenario may not be  
7 included.

8 Have I answered your question for the moment? It  
9 doesn't look like it.

10 COMMISSIONER MERRIFIELD: I can ask further  
11 questions later on.

12 CHAIRMAN DICUS: Yes. Let's go forward.

13 MR. PAPERIELLO: Maybe I can help. We know what  
14 is going to happen at Chemtron, what is going to be the  
15 future use of the land.

16 MR. GREEVES: My understanding is it will be a  
17 park. For example, at Apollo, we don't know. Apollo was  
18 released for unrestricted use. It's a prime piece of real  
19 estate. The town fathers would like to redevelop that piece  
20 of real estate. However, there is a question in the minds  
21 of local people: Am I going to have a problem if I reuse  
22 this site?

23 Again, it goes back to that question I mentioned  
24 earlier, the finality issue. Is there someone else who may  
25 come in later and look for other issues?

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1 CHAIRMAN DICUS: Okay. Go on. Thank you.

2 MR. GREEVES: I'm on page 5.

3 Of the two sites pending removal in 1999, for  
4 example, one of them is a Pesses site. The Commission  
5 helped us with this in terms of a decision recently to allow  
6 material to go to waste control specialists. The site is  
7 cleaned up to the standard, and Region I in fact has a paper  
8 developed for us to get up to the Commission to release that  
9 site. I understand the paper is actually in my staff at the  
10 present time.

11 The other one in 1999 was the Elkem Metals site.  
12 We have done all that we can on that. We've got a couple of  
13 outstanding issues from the licensee which just have not  
14 come back into us.

15 The seven sites with approved decommissioning  
16 plans. Three of those will transfer to Ohio, and these  
17 include the BP Chemicals site, Horizons, and RMI. We talked  
18 with Ohio. They understand the basis for our approved  
19 decommissioning plan, and they have told us they are going  
20 to honor those commitments as they are passed through, which  
21 we felt very good about.

22 We have three sites projected for removal in 2000.  
23 These would include the Dow site in Michigan, Permagrain in  
24 Pennsylvania, and the AAR site in Michigan.

25 One site is projected for removal in 2002. This

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1 is an interesting case. This is the Parks Township site.  
2 There are actually two sites there, one we refer to as the

3 shallow land disposal area. This particular one is the  
4 operating site where they cleaned up equipment and did other  
5 activities. The site was split and was subject to a hearing  
6 process. This portion of the site we expect to make  
7 progress on in 2002.

8 The next item is what we call the paper that  
9 actually I believe is due to the Commission imminently on  
10 extending the grandfathering deadline. The license  
11 termination rule has built into it a date by which the  
12 grandfathering approach would end, and it is August 20,  
13 1999.

14 We have worked very hard to work these sites off.  
15 In spite of those efforts, it turns out we will not be able  
16 to get all of the last few sites off the list by the 20th.  
17 We are asking for an approach where we could extend that  
18 approval process.

19 MR. TRAVERS: Timing is everything. I just signed  
20 it out this morning. So you should have it by this  
21 afternoon.

22 CHAIRMAN DICUS: We have it.

23 COMMISSIONER DIAZ: We have it.

24 Would you mind summarizing for this meeting what  
25 the key components of that paper are.

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1 MR. GREEVES: Larry.

2 MR. CAMPER: The rule currently calls for the  
3 staff to approve the submitted plans by August 20, 1999. We  
4 are finding for a number of reasons, such as timeliness of  
5 responses from the sites and the need to have our EA EIS  
6 group review all of these packages. Time for states to  
7 review the EAs and things of that nature has caused some  
8 delays.

9 As John pointed out, we are well along. We think  
10 that most of these will be completed later this calendar  
11 year. In the Commission paper we actually give you a  
12 schedule that we are managing to.

13 We recognize that despite those efforts and  
14 despite the fact that we are well along in the process,  
15 there can be unforeseen things. So we are going to ask that  
16 you grant through an order an exemption for one year, to  
17 August 20, 2000, for us to complete the approval work.

18 There is a table showing you what our projected  
19 schedule is. Although we are asking for the one year  
20 exemption worst case scenario, our efforts show we will  
21 complete them much faster than that.

22 MR. TRAVERS: If I've got this right, the date as  
23 it was established was established to provide an initiative  
24 for the facilities to get their plans in. I think our  
25 judgment in arguing the approval of an exemption is that we

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1 believe good faith has been made on their part to do just  
2 that. So it's simply a matter of extending it out to give  
3 us some more time to deal with it.

4 CHAIRMAN DICUS: Thank you.

5 MR. GREEVES: The eight sites that would be  
6 eligible under the grandfathering process include one of  
7 them to transfer to Ohio. That is Northeast Ohio Sewer  
8 District.

9 Seven, as Larry Camper identified, are actually  
10 near completion. Most of these are uranium and thorium  
11 sites, including sites such as Cushing, Lake City, Molycorp,

12 and Watertown GSA, which is a government site. All of these  
13 are described in the paper that Larry just mentioned.

14 We have six sites that are under review for the  
15 license termination criteria. Examples of these would be  
16 two sites in Pennsylvania, Cabot in Reading and Revere, and  
17 Safety Light.

18 As far as the schedule, one of those is projected  
19 to come off in 2000. That is the 3M site. And five of them  
20 are projected to make a decision approving a plan in 2001.  
21 This would address the Sequoyah Fuels site, which the  
22 Commission has seen in the past.

23 Another example is Waltz Mill with Westinghouse.  
24 Westinghouse is coming up with a bit of an innovative  
25 approach. They actually may stay on this site for a long

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1 period of time, decades, and they are factoring decay time  
2 into the evaluation. So the staff in the region are looking  
3 at that.

4 The 11 sites that I mentioned with decommissioning  
5 plans pending.

6 They have an approved alternative schedule that is  
7 different than the 24-month time frame that I addressed.

8 Implementation has been somewhat more difficult  
9 for these 11 difficult sites. They are typically the source  
10 material sites. We have got some questions about an EIS  
11 versus an EA, and will probably be back to you on that.

12 An example is the Jefferson Proving Ground, which  
13 contains live ordnance. It's a difficult process of sorting  
14 out how do you clean up that kind of a site and what do you  
15 do with it. I expect somewhere along the line we will be  
16 back to you and talking about that one.

17 Another one is the B&W; shallow land disposal area,  
18 which receives a lot of attention.

19 And Molycorp in Washington, Pennsylvania. We had  
20 a meeting up there recently, and I believe there were  
21 something like 300 people in attendance.

22 MR. BURNS: We also have a request for hearing  
23 that has been referred to the Board.

24 MR. GREEVES: These are the ones that I will be  
25 addressing towards the end of the presentation. It will be

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1 a challenge for Larry Camper and his staff to manage that  
2 schedule. We'll talk more about it.

3 The next site is a concept of partial  
4 decommissioning plans. A number of licensees have come in  
5 and asked us can we partially treat our sites. For example,  
6 Kaiser, Fansteel, and Molycorp. They are looking in some  
7 cases for an early release, and they want to use a  
8 combination of the grandfathering criteria, and then for the  
9 rest of the site later the license termination rule.

10 As Steve mentioned, there is a hearing request on  
11 the Molycorp site. So we have that to work with. We have  
12 worked with OGC on this. The concept is one we can work  
13 with. OGC supports the process. We are nearing completion  
14 on a couple of these.

15 This type of approval will allow these licensees  
16 to make some progress and reduce some of the burdens on  
17 them. It will allow them to clean up part of the site first  
18 and address the rest of the site later. We see that as an  
19 advantage, and will keep you posted as to how that plays  
20 out.

21 At this point I'm going to switch gears to



22 implementation. We talked about the sites. Now we will  
23 talk about implementing the staff requirements memorandum  
24 that you gave us regarding the license termination rule as a  
25 follow-up to that.

20

1 As far as initiatives and improvements, we did put  
2 out a draft guidance document. In August of last year  
3 Research put out the Draft Guide 4006. It addresses the  
4 four fundamental issues that you have to work with in the  
5 license termination rule:

6 The restricted release question.  
7 How does ALARA work in this process?  
8 The final survey, which is very important for both  
9 the materials and the reactor licensees.

10 Then dose modeling. How is the staff going to  
11 address that?

12 Those four issues are in that document. It has  
13 been out there for sometime and we are asking for comment on  
14 it.

15 Another sign of progress is in November of last  
16 year we put out a screening table. The regions asked us for  
17 a tool that they can use to take care of some of the simple  
18 licenses that, say, have a single nuclide. We were able to  
19 come up with a screening table for beta and gamma nuclides.  
20 It is based on a conservative approach and it is for  
21 building only, but it's an early tool that we have put into  
22 our capabilities.

23 We are developing and improved dose modeling  
24 approach. Tomorrow Norm Eisenberg and company will be  
25 giving you a complete briefing on that. We have been

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1 reducing some of the unnecessary conservatism and building  
2 in a more realistic approach in the dose modeling  
3 activities.

4 Both Research and NMSS have been working on these  
5 dose modeling assessments. This is one of the things you  
6 asked us to do in your staff requirements memorandum.

7 As far as these models, you will hear more about  
8 it tomorrow. It's basically a graded approach. Licensees  
9 can actually use that table. They will not have to hire a  
10 consultant. They can choose to clean up to that level. A  
11 lot of them can move out.

12 There is a screening level set of models that we  
13 have been working with. Some licensees may choose to do  
14 that. In some cases they don't have to hire a consultant to  
15 do that.

16 Then there is the site-specific review.

17 I view this as kind of a graded process, depending  
18 on the complexity of the site.

19 The standard review plan is under development. It  
20 will document the staff procedures, how we intend to review  
21 these sites, and what the acceptable approaches are, and  
22 will support the 1997 license termination review. The  
23 licensees are asking to see that document. I think we are  
24 doing a good job of sharing that process with them.

25 We have been conducting a series of workshops. We

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1 have completed four already. They were in December,  
2 January, March, and recently one in June. We have one  
3 scheduled August 18 and 19.

4 A focus will be the license termination plan for  
5 reactor decommissioning. A lot of questions have been  
6 raised in that arena. We felt it was worth a one-day  
7 effort. We have coordinated that agenda with the  
8 stakeholders. The states have been participating heavily in  
9 these meetings. The licensees have provided a lot of input.  
10 Department of Energy, EPA, NMSS, Research, and the technical  
11 assistance contractors have all participated in these. It  
12 has been a very successful approach.

13 We put a lot of this material up on our web site.  
14 We have ten modules of the standard review plan that we put  
15 up recently that we will be getting feedback on. The one  
16 that is not there is the dose modeling piece. It's the most  
17 difficult one to bring forward. We are working on that.

18 We also put out some guidance to the regions on  
19 site-specific dose modeling. We put that up on the web. We  
20 transparently want the licensees to see what guidance  
21 headquarters was giving to the regions.

22 We have also participated in workshops sponsored  
23 by EPRI and NEI. In May I personally went to the workshop  
24 at Oyster Creek. I and my staff got a lot of out it and it  
25 was a good feedback loop.

23

1 We have been coordinating, as you asked us, with  
2 the Advisory Committee on Nuclear Waste. They support our  
3 approach here and they have been giving us good feedback.  
4 We have enjoyed that.

5 Streamlining. Carl has made streamlining an  
6 office requirement and approach. Across all the divisions  
7 we are putting in place a streamlined effort to licensing.

8 We have improved procedures. We have set up a  
9 process where the expectation is we really would prefer not  
10 even to ask questions. We would like to have a good product  
11 coming in and be able to write our evaluation. Short of  
12 that, the goal is only one round of questions, not multiple  
13 rounds of questions.

14 Spent Fuel Program has set a good standard for us  
15 here, and we want to follow that approach. You need to know  
16 what the schedules are. We are having the staff write their  
17 safety evaluation early. That should be the vehicle that  
18 helps you ask those questions. If you have got a hole in  
19 your safety evaluation, okay, you have a question, but if  
20 you don't have a hole in your safety evaluation, maybe you  
21 don't need to ask that question. We are working on that in  
22 all of the divisions.

23 The second item below streamlining is the pilot  
24 program. We provided a paper, SECY-99-160. It actually  
25 came up June 22 to the Commission to give you some feedback

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1 on how that project is going. We had a handful of licensees  
2 who wanted to take the decommissioning issue into their own  
3 hands and run with it. We have five. I think now we are  
4 down to three, as described in the paper.

5 We will inspect at the end: Did they meet the  
6 committed criteria? This lowers the burden on the licensee.  
7 He doesn't need to be interacting with us, and it allows my  
8 staff time to work on the more difficult sites. We found  
9 this to be useful.

10 The last item is an integrated licensing and  
11 inspection program. We are tracking the inspections on  
12 these sites. We are tying the regions and headquarters  
13 together. It's event driven. If something doesn't make

14 sense or there is not a lot going on, then we won't go out  
15 and do that inspection.

16 Larry and his branch are responsible for working  
17 with the regions on that. It does get revised as needed,  
18 and there is a uniform inspection procedure that is applied  
19 for decommissioning these sites.

20 MR. CAMPER: Putting it in perspective, we had  
21 done 18 of 36 sites by the end of June and some more are  
22 taking place in July and August.

23 MR. GREEVES: On the next page, page 10, the  
24 Commission asked us in the past how is the concept of the  
25 Decommissioning Board going. I believe it's going well. We

25

1 had what I will call a rough start. Any time you start  
2 something up like this there are some inefficiencies.

3 We have the participation by NMSS. My deputy, Joe  
4 Holonich, chairs the Board. We have representatives from  
5 NRR, Research, and the regions. In fact, the regions are  
6 quite interested in both these briefings. As Bill  
7 mentioned, they are on the line today observing this  
8 particular set of briefings.

9 We started out with weekly meetings. That was  
10 just too much. We have slimmed down to biweekly meetings,  
11 and they seem to be much more efficient in that process.

12 We did a diagnostic about five months ago and took  
13 notes on things that weren't going so well, and we cut those  
14 out and improved upon part of the process.

15 A key for the Decommissioning Board is to monitor  
16 the operating plan commitments. In each meeting we ask the  
17 question: What are the near-term goals in the operating  
18 plan and how are we doing?

19 We address inter-office issues, commission papers,  
20 briefing slides. These briefing slides were provided to all  
21 the offices in advance. We looked for comments. The  
22 screening table I mentioned earlier. That one was to the  
23 Board a number of times to make sure that it was a useful  
24 tool for the regions.

25 Let me mention one last one, the entombment paper

26

1 which you received recently. That cuts across NRR,  
2 Research, NMSS. We had several briefings at the  
3 Decommissioning Board on that paper.

4 The last item is just efficiency improvements. I  
5 think the Board helps us facilitate the exchange across the  
6 offices. We see, for example, reactor sites over time are  
7 going to migrate from NRR to NMSS.

8 The licensees have actually expressed some concern  
9 about this process: I'm used to my project manager. Who  
10 are these new people? NRR management and NMSS management,  
11 when we go out to our stakeholders we try to explain what  
12 our roles are and how that changes with time, and we're  
13 going to get better with time. We are actually doing some  
14 rotations between the offices that I think is going to help  
15 this process. NRR and NMSS are also taking the training,  
16 which actually affects both of us, which I think would go a  
17 long way towards addressing some of those concerns.

18 The last page. I sort of want to leave a flavor  
19 or where we see us going.

20 We need to resolve these complex sites. I think  
21 the next time we brief you a lot of these sites we talked  
22 about on the front end will be behind us, for one reason or

23 another. The 11 sites I mentioned, the difficult sites,  
24 they will still be with us. I've set a high expectation.  
25 Larry Camper and I visit and talk about this. This is the

27

1 challenge for Larry and his branch: The 11 sites, get on  
2 top of those; what is the schedule and how can we address  
3 those?

4 In the next briefing I would expect we would lay  
5 out that schedule, tell you where we were, and if there was  
6 anything we needed some help on, we would mention that.

7 The third item here is integrate the materials and  
8 reactor programs. Recently you sent down a staff  
9 requirements memorandum and asked for a coordinated report  
10 next time, an annual report that is coordinated. So we  
11 would be back with NRR reporting not only on these 11 sites,  
12 but the reactor sites also that are part of the  
13 decommissioning program.

14 I think the efficiency has been improved between  
15 the offices. There are some challenges. The dose modeling  
16 issue was a challenge. You are going to hear a lot about  
17 that tomorrow. We actually are getting a lot of input from  
18 the licensees and the Department of Energy in terms of  
19 things like input parameters.

20 The clearance rule. The clearance approach is  
21 used internationally. This is a topic that frequently comes  
22 up at our meetings with various stakeholders. How that goes  
23 will have an impact on what we do.

24 The restricted release cases. These are the most  
25 difficult ones. We could expect hearings on these. They

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1 require the advisory groups. Lots of those groups are  
2 forming, by the way. In some cases they are forming with  
3 sites that don't require restricted release. The utilities  
4 are enlightened in that they are actually forming these  
5 groups for sites that are going to be cleaned up for  
6 unrestricted use.

7 It's a good mechanism for feedback to the  
8 community. The staff and the regions have been active in  
9 that process.

10 The question of an EA and an EIS on these  
11 restricted release sites is going to be a challenge for us.

12 The last one, which is the recent paper you  
13 received, is on entombment. The staff recommended a  
14 workshop. I understand it's scheduled for the middle of  
15 December.

16 We need to address the question I started with in  
17 response to one of the questions Commissioner Merrifield  
18 asked. How much can you leave behind? That's a key  
19 question.

20 Another one is greater than Class C waste. If  
21 there is greater than Class C waste in the reactor, are they  
22 going to cut it out? Are they going to leave it? And where  
23 does that leave us with the statutes that are out there?  
24 These are issues that I'd like to get some more information  
25 in a workshop.

29

1 The compacts. We need to hear from them on what  
2 is their view on entombment. It's a new concept. And how  
3 many reactors would be interested in doing this.

4 I'm looking forward to a workshop environment for  
5 these types of issues with various stakeholders, and we will

6 be in a much better position to make any recommendations to  
7 you over time.

8 With that, I would be happy to answer any  
9 questions.

10 CHAIRMAN DICUS: Thank you. Let me start with a  
11 few. Then I would like the other Commissioners to weigh in.  
12 I'm sure they have several questions, and they have sat  
13 patiently through a very nice presentation. I appreciate  
14 that.

15 You mentioned these restricted release cases. How  
16 many do you anticipate might want to come in for restricted  
17 release? Do we have something of an idea of a number?

18 MR. GREEVES: We do. I think it's probably a  
19 large fraction of the 11. They are going to have trouble  
20 meeting a 25 millirem unrestricted release criterion. They  
21 might be able to meet 40.

22 Nelson or Larry, can you help me with a better  
23 estimate?

24 MR. NELSON: I think it's a good estimate. It's a  
25 large fraction of the 11. In some of these cases we don't

30

1 even have the decommissioning plan in yet. Licensees are  
2 still evaluating decommissioning options. Some of them have  
3 already set up advisory panels to get input. Then they need  
4 to look at what restricted use mechanisms will be necessary  
5 for their site. If it means government ownership or  
6 control, then they need to interface with those agencies to  
7 see whether they might be willing to do that.

8 All those factors are going to play into their  
9 decisions. We don't know, but we anticipate a good number  
10 of them will try to go that route because of the larger  
11 volumes that they have on site.

12 CHAIRMAN DICUS: Thank you.

13 I want to ask a question about the decommissioning  
14 pilot program. The answer to this question may be in  
15 SECY-99-160. I must confess I haven't read it yet. The  
16 past month has been a little busy.

17 The question has to do with the viability of the  
18 pilot program. Given that there were five facilities in it  
19 in the first place and two of those did not participate  
20 ultimately and we only had the three that did participate,  
21 did we really get some useful information out of this, or is  
22 it going to be that helpful to us in the long term?

23 MR. GREEVES: I would like to have the staff  
24 follow me. It hasn't taken a lot of energy out of the staff  
25 to do this. It was a good idea. Maybe I would like to have

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1 seen more than five, but you can't bring people to the table  
2 if they -- there is a little tentativeness out there about  
3 some of these things.

4 I think the real answer is, we are just going to  
5 have to wait a little bit longer. The three that are still  
6 in the running, if Westinghouse and Phillips come back into  
7 a future Commission briefing and say, you know, you saved me  
8 a bunch of time, process, your staff was back out here, we  
9 committed to a criteria, you inspected it at the end, that  
10 has value to me.

11 You asked us to do this for the simple sites. The  
12 other licensees are watching this process. They may look at  
13 this and say, I want some of that.

14 I think the jury is still out.

15 CHAIRMAN DICUS: Carl.  
16 MR. PAPERIELLO: I'd like to make an observation.  
17 John tended to get all the big bad sites. Obviously we  
18 really decommission hundreds of sites every year, the  
19 hospitals and all that. I think what the pilot does for you  
20 is find where is the threshold that there needs to be prior  
21 NRC involvement in planning the decommissioning, and where  
22 because we know from experience and practice that the  
23 licensee can do it, and then say, by the way, we are now  
24 ready to shut down. Then we can go out. So I think it is  
25 useful.

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1 CHAIRMAN DICUS: That's good.  
2 One final question is on the Decommissioning  
3 Management Board. You mentioned that you made some  
4 observations or some things that you had dropped out or  
5 approved the activity of the board. I know you hired a  
6 consultant at some point. Were these consultant findings?  
7 Were these self-assessments? Or was it a mixture?

8 MR. GREEVES: We actually have a board for high  
9 level waste also, which we have mentioned to you. This  
10 particular consultant did a diagnostic of the high level  
11 waste board. I enjoyed that process.

12 The high level waste board was actually more  
13 mature at the time he did the diagnostic, and I said, well,  
14 we need it here too; I can't afford to be inefficient.

15 It was the same consultant. It was a consultant  
16 that Admin has available. The gentleman does a professional  
17 job. He goes around and interviews the staff. He gives you  
18 quality feedback. We value that. We want to do some  
19 self-diagnostics. We did that, profited from it, and we are  
20 implementing as much of that as we can.

21 Have I answered?

22 CHAIRMAN DICUS: Yes.

23 Commissioner Diaz.

24 COMMISSIONER DIAZ: I thank you for the very  
25 thorough list of issues and characteristics. However, I

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1 ended up without a clear idea of what is the effectiveness  
2 of the present policies of the Commission in these different  
3 areas. It seems like we enumerated very well what all the  
4 things are. Or lack of effectiveness.

5 Sometimes you guys are very, very thorough and  
6 don't realize that we don't have the insight of what is in  
7 Ohio or in Kentucky and that we are looking at the overall  
8 issues. I really think that we need to get the distinct  
9 impression of what is the effectiveness of our policies. Do  
10 we need to do something else? What time do we need to come  
11 in?

12 We hear about complex sites and how complex they  
13 are going to be. I don't know how complex is complex, what  
14 are the issues that we are going to be facing and when do we  
15 need to face them.

16 From the policy viewpoint, it would be helpful to  
17 me to get a better view of what the staff is dealing with  
18 with the stakeholders, dealing with the sites from the  
19 policy perspective rather than from the particular issue.

20 For example, in this case I heard several times  
21 you have interaction with stakeholders. What is the  
22 reaction of the stakeholders to our license termination  
23 rule? What have they come up with? Do the people say this  
24 is okay, or no, this is not okay?

25 MR. GREEVES: I got about four or five questions

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1 there.

2 COMMISSIONER DIAZ: The first was a statement for  
3 you to consider. Don't take it as a question. It will take  
4 too much time. Specifically, what have our stakeholders  
5 been saying or doing regarding our license termination rule?

6 MR. GREEVES: The answer is mixed. I can give you  
7 an example. The license termination rule involves a large  
8 spectrum of things you need to be doing. Let's just talk  
9 about dose modeling, which you will hear more about  
10 tomorrow.

11 Some of our stakeholders were quite concerned  
12 about the conservatism built into our dose modeling process.  
13 We knew it was there. We were finding the same things they  
14 were finding. NEI, as I said, we go to workshops with them.  
15 You are going to hear more about this tomorrow. They  
16 identified problems with the models that we are using for  
17 cesium and strontium. We identified the same models, and  
18 those issues have been discussed extensively in the  
19 workshops.

20 The states are another set of stakeholders. I  
21 think they are quite happy to come into this environment,  
22 because they are going to inherit a lot of these sites and  
23 they are going to need to use some of the same tools. So  
24 the states come to the workshops. My sense is I get a  
25 better response from the states in terms of a positive

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1 response about "thank you for putting these things into  
2 place."

3 There is another set of stakeholders. They don't  
4 like the rule. They want something like zero to be the  
5 answer, and they come into the meetings and they express  
6 that view.

7 So it's mixed. EPA comes to the meeting and  
8 explains what they are doing in modeling space. It's what I  
9 called mixed. We are trying to capture the best elements of  
10 it in the standard review plan that honor the license  
11 termination rule.

12 I hope I am being clear.

13 COMMISSIONER DIAZ: You're not. Mix is not hot,  
14 not cold; it's somewhere in between?

15 MR. GREEVES: Yes. What I mean is, depending on  
16 the stakeholder, you get a different reaction.

17 CHAIRMAN DICUS: A variety of views.

18 MR. PAPERIELLO: If you look on it as an  
19 optimization problem, it's an optimization of resources,  
20 financial resources to do the remediation; the dose  
21 criteria, with some people wanting it all the way to zero,  
22 and the potential for restricted release, which a lot of  
23 stakeholders don't want, at least living around the site.  
24 That is why complex sites are complex sites.

25 There is not enough money to remove maybe 40 acres

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1 of contaminated soil and move it to another part of the  
2 United States. We would find under our rule that perhaps  
3 construction of an onsite cell of two acres that a licensee  
4 proposes meets the rule for restricted release of those two  
5 acres. You now go and you have a community advisory  
6 committee. A lot of people don't want that to happen. You

7 write EIS's. People comment on those. People obviously use  
8 the full recourse of the law if people are going to take  
9 action that they don't want. That's why you get into  
10 complex sites. At the same time, there is the issue of how  
11 much money is available to remediate the sites.

12 We got into the SDMP program and we got into these  
13 sites many years ago because they tended to involve source  
14 material. Many of them are people who use source material  
15 for non-nuclear purposes, chemical purposes, metallurgical  
16 purposes. They weren't in a nuclear industry. It was done  
17 in the 1960s, 1970s, earlier than that. A lot of soil got  
18 contaminated, and they were small businesses. There are no  
19 financial resources to dig up many, many acres and move them  
20 across the country.

21 That's the tension in this whole thing. I think  
22 we created a reasonably good infrastructure now to preclude  
23 it from happening in the future. In other words, we would  
24 never allow somebody to get licensed and create the problem.  
25 So we fixed that. We created a decommissioning criteria

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1 which there is not complete agreement on, but the  
2 implementation is still difficult.

3 It's the three things. It's financial resources,  
4 which are finite; the group of people who might decide the  
5 only acceptable dose criteria is zero; and the issue of when  
6 you are going to have to restrict a site release. These  
7 things go into making a complex site complex.

8 COMMISSIONER DIAZ: It might be worthwhile for the  
9 Commission to receive a clear identification of where these  
10 issues lie.

11 MR. PAPERIELLO: Commissioner, that is exactly  
12 what John promised you. I directed the staff that I needed  
13 a detailed analysis of each of these sites with time lines  
14 and what has to be done and where are the resources to do  
15 it, including things like the EIS, and who has to agree.

16 MR. GREEVES: One of the good things about what we  
17 are doing is we are making the process more predictable. We  
18 are doing this in a transparent way. The licensees know  
19 what to expect because we are showing them up front.

20 You asked about the tough policy. There is one  
21 that comes back to me day in and day out. The rule helps.  
22 The 1997 rule helps, but too often I have to go out and try  
23 and address, will it hold? Will another agency come in here  
24 behind you at some future date and undo this process?

25 Apollo is an example of that. It's a beautiful

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1 piece of real estate sitting there, but they are afraid to  
2 develop it. They don't know whether it will hold.

3 That's the one issue. If I could stop talking  
4 about that, I could probably get a lot more work done.

5 COMMISSIONER DIAZ: Thank you.

6 CHAIRMAN DICUS: Commissioner McGaffigan.

7 COMMISSIONER MCGAFFIGAN: I have several. Let's  
8 see if I can get them done in some finite amount of time.

9 There is a backup slide 6 that I think refers to  
10 the 11 sites. I notice two of them are in Ohio and going to  
11 get transferred. Three are in Pennsylvania; two in  
12 Oklahoma. That leaves very few left. All those states are  
13 either about to become an Agreement State at the end of  
14 August or trying to be an Agreement State fairly soon.

15 How do you envision the transition? I know you  
16 have worked it out for Ohio. Advanced Medical Systems,



17 there is a hearing on that. I guess the whole thing is  
18 going to get transferred over to Ohio.

19 I assume the Shieldalloy Metallurgical is just  
20 going to go to Ohio and you will just turn over your files.

21 How do you schedule your work on the Pennsylvania  
22 and Oklahoma sites and work with the potential future state  
23 regulator?

24 In the case of Ohio they adopted our rule by  
25 reference with one minor exception, that if it's above 25

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1 millirems, they are going to maintain a license; if it's a  
2 restricted site above 25 millirems, they are going to  
3 maintain a license indefinitely until it can go to  
4 unrestricted. We found that compatible.

5 Have you had discussions with Pennsylvania and  
6 Oklahoma as to what their rule is going to be and how the  
7 transition is going to be made?

8 MR. GREEVES: It's my understanding in Oklahoma  
9 they are asking to leave, as Carl calls them, the big bad  
10 sites with me.

11 COMMISSIONER MCGAFFIGAN: They want to leave them  
12 with you.

13 MR. GREEVES: They want to leave those sites with  
14 me. That answers part of the question.

15 I can tell you we are in dialogue with  
16 Pennsylvania on all these sites. Nelson met with the  
17 Pennsylvania contingent -- in fact, they are in the audience  
18 -- recently on all these sites. It's my understanding they  
19 are actually pushing off Nelson and company. This is not a  
20 near-term thing for Pennsylvania.

21 MR. NELSON: Their Agreement State application has  
22 been delayed, but they are very interested in these sites.  
23 It turns out all of the Pennsylvania sites are in my  
24 section. We met with them. Region I and I met two weeks  
25 ago. We gave them a rundown and went over each one of the

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1 sites in great detail, both the SDMP sites and other sites  
2 undergoing decommissioning, terminated license sites.

3 We plan to have an ongoing dialogue with them.  
4 They have identified site coordinators for each one of our  
5 sites and we have identified our site project managers to  
6 them. It's going to be a real partnership effort here on  
7 each one of these sites. We are not going to take any steps  
8 without talking with them and consulting with them first.  
9 So they are going to be an active player. I think that is  
10 going to be very helpful.

11 COMMISSIONER MCGAFFIGAN: You are talking about  
12 your SDMP sites. I assume in the states that are already  
13 Agreement States they have some fairly dirty sites too and  
14 they have to deal with those sites. Is there any learning  
15 that goes on back and forth between how individual states  
16 that have sites that are either going to be restricted or  
17 complex sites handle them and how we handle them?

18 MR. GREEVES: I can give you a partial answer. I  
19 think the learning process is in large part done in these  
20 workshops we are having. The Agreement States come to these  
21 workshops. The CRCPD has a working group on cleanup. I  
22 think Deborah Baugh is the chairman of that. She is coming  
23 to the next meeting. She wants to sit in with me and go  
24 over the status of these issues.

25 When they come to the meetings they share their

1 technology with us. Recently New Jersey sent their document  
2 in. We could learn something from that process. They are  
3 not an Agreement State, but we can learn from the states.

4 So they have been heavily participating in this  
5 type of work. They participate in the ISCORS format. I  
6 can't tell you that they sit down with me once a year and go  
7 over their -- they do not have an SDMP program, but we do  
8 not sit down and meet and go over --

9 COMMISSIONER MCGAFFIGAN: Is it fair to say that  
10 in the states that are Agreement States there are sites like  
11 these that they have to deal with on a state-by-state basis?

12 MR. GREEVES: Some of them went to Massachusetts  
13 and some will go to Ohio. So yes is an answer. I'm less  
14 familiar with the ones that originated in an Agreement  
15 State, and they have not given me a call.

16 Nelson, have you gotten any calls?

17 MR. NELSON: No.

18 COMMISSIONER MERRIFIELD: If I could follow up on  
19 your question. Do we keep track of how the states are doing  
20 with these sites that we have transferred?

21 MR. NELSON: Not specifically in that we have an  
22 after-transfer tracking system. We do look at their overall  
23 decommissioning program as part of the IMPEP review. We do  
24 look at their program. We don't specifically keep a log or  
25 track specific sites that we have transferred.

1 CHAIRMAN DICUS: Carl, could you follow up on that  
2 with the IMPEP reviews?

3 MR. PAPERIELLO: I will follow up the state  
4 programs to find out. I don't know what they do. We'll  
5 find out.

6 MR. GREEVES: The state programs ask me to  
7 participate in the IMPEP review. If they have an active  
8 cleanup program like this, then we would send one of our  
9 experienced people out on that review. We just haven't had  
10 a lot of visibility of it yet.

11 COMMISSIONER MCGAFFIGAN: Let me ask a similar  
12 question. You were talking earlier about EPA and DOE coming  
13 to your workshops. Do we go to theirs? DOE and EPA are  
14 dealing with the dirtiest sites in the nation, namely, the  
15 DOE facilities, and trying to figure out how to deal with  
16 restricted release and institutional controls. DOE  
17 documents use the term "controls in perpetuity" with regard  
18 to Savannah River. So I imagine that there will be some  
19 real learning we could do.

20 In Denver, I think John mentioned in passing we  
21 were involved in commenting on some sort of EPA is trying to  
22 work with the radium site there.

23 There is a lot of learning we could do as to how  
24 EPA applies its dose modeling dealing with these complex DOE  
25 sites and whether if we did a sanity check with our dose

1 modeling we would get the same answer.

2 Is that happening? They are coming to our  
3 meetings. Are we going to theirs?

4 MR. GREEVES: Let me give you a little bit of an  
5 answer. One, EPA and DOE are on the ISCORS format. So Andy  
6 Wallow comes to our ISCORS meetings and frequently we talk  
7 about dose modeling issues and he brings the DOE experience.  
8 In fact, I wrote him a letter not too long ago and told him

9 that we were aware that the department had some information  
10 regarding resuspension factors and we would like to use  
11 that. We use that avenue through ISCORs.

12 On occasion we go go these meetings that DOE has.  
13 In fact, ANS is sponsoring a decommissioning meeting in  
14 Knoxville in September. I was asked to be a plenary speaker  
15 for that meeting, but all the other speakers are DOE program  
16 people. That is mostly a DOE industry type meeting.

17 They recognize it's the same contractors doing the  
18 work. They are doing the work for the Department of Energy  
19 and they are doing the work for the commercial sector. So  
20 they very much wanted an NRC presence in this meeting.

21 COMMISSIONER MCGAFFIGAN: It strikes me that even  
22 perhaps a lower level of detail would be interesting to know  
23 about if you had the time and the resources, namely, how do  
24 they apply at an individual complex site their criteria,  
25 their rules?

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1 I believe almost every time you give up an SDMP  
2 site you get a friendly letter from our friends at EPA  
3 saying, well, how would it stack up against the license  
4 termination rule, and what sort of modeling have you done if  
5 it is one of these grandfathered sites? I assume you answer  
6 that in the same friendly way and provide them the  
7 information.

8 We might want to be asking the same sort of  
9 questions just to educate ourselves; rather than having  
10 theoretical discussions at workshops about suspension  
11 parameters, how is this applied in fact downtown Denver, at  
12 Rocky Flats, or at Hanford or at Savannah River, or  
13 whatever, just to be sure we understand it?

14 Again, on this line of questions, this gets even  
15 worse in terms of resources, probably. I know the Chairman  
16 has been at international meetings. I keep reading in  
17 Nucleonics Week and other publications that the British are  
18 decommissioning sites. They have the same Cold War era  
19 facilities that we did. They were involved in the Manhattan  
20 project and all the ensuing stuff. I'm sure we are ahead of  
21 them in terms of this sort of transparent public process  
22 with models and everything, but do they have anything to  
23 offer us? I know the French are doing the same thing.

24 MR. GREEVES: They are all a little bit different.  
25 You got the answer back from the UK that said they don't

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1 have a standard. What they do is start cleaning facilities  
2 up. I saw the answer you got. I'd love to ask them, how do  
3 you price this out? If you don't know what you can leave  
4 behind, how do you price it out?

5 COMMISSIONER MCGAFFIGAN: For the audience, what  
6 Mr. Greeves is referring to is a letter that we sent to the  
7 UK when we were trying to decide on what the West Valley  
8 criteria were because they were also decommissioning a  
9 reprocessing plant at Dounreay. I could put that letter in  
10 the public domain as an attachment to the meeting notes.

11 MR. GREEVES: What we saw in Rome in the meeting  
12 the Chairman attended was lots of the Europeans are cleaning  
13 up what sounds like a clearance criteria. They are just  
14 cleaning up concrete rubble. They use the same word. It  
15 might be a different language. They clean the concrete up  
16 and then they send it to a landfill. Another country  
17 doesn't allow disposal of concrete in a landfill. So they

18 do something else. But they are all doing something a  
19 little bit different.  
20 The Japanese have a clearance criteria and they  
21 have a reuse criteria. They have three criteria. I can't  
22 quite remember what they all were, but the first one is  
23 reuse. If we clean up a reactor site, it should be reused  
24 for another reactor. That is one of their criteria.  
25 COMMISSIONER MCGAFFIGAN: That must not be a very

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1 high criteria if it's going to be used as a reactor site.  
2 MR. GREEVES: In Japan it might be.  
3 CHAIRMAN DICUS: Carl.  
4 MR. PAPERIELLO: I want to make an observation.  
5 Actually, it is going to be kind of the basis for the  
6 presentation I give to the international meeting after  
7 Thanksgiving. This is not a textbook process. We talk  
8 about realistic modeling. There are no textbooks that deal  
9 with realistic modeling. They deal with screening. What  
10 little bit is written is an introduction to.  
11 I think the staff here at the NRC -- and we are  
12 working with DOE; we are working to a lesser extent with EPA  
13 -- are writing the textbooks. I told the Commission  
14 sometime ago when I looked at the medical area, it was an  
15 area for which there are textbooks. You can find AAPM  
16 standards, all kinds of standards on how you run a nuclear  
17 medicine department.  
18 There really are no standards and no textbooks on  
19 how -- we're helping develop it; DOE has done some -- you  
20 model a site to calculate the dose in compliance with the  
21 dose criteria. We have been developing survey methods,  
22 analytical methods and modeling. We are on the frontier  
23 here.  
24 I think we have got a lot to learn from people,  
25 but I think we also are actually teaching a lot of people.

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1 I wish it was simpler. It's not like we just set a limit  
2 and then somebody opens up an engineering manual and the  
3 manual tells you how you quantitatively get there.  
4 I've done a lot of literature searching. I've  
5 looked at the EPA web site on chemical modeling. I'm  
6 convinced we are writing the book.  
7 COMMISSIONER MCGAFFIGAN: If I can get two more in  
8 here.  
9 COMMISSIONER MERRIFIELD: It makes me perhaps  
10 wonder whether we should institute a time clock here.  
11 COMMISSIONER MCGAFFIGAN: I'd be happy to wait for  
12 a second round.  
13 CHAIRMAN DICUS: We will have time for a second  
14 round.  
15 COMMISSIONER MERRIFIELD: I have two quick ones.  
16 You mentioned that there are some sites at which there are  
17 site-specific advisory boards. That is not the case at all  
18 of these complex sites?  
19 MR. GREEVES: It would be the case at any site for  
20 restricted release. The rule requires that. The point I  
21 was making was that most of the utilities are going to  
22 unrestricted release. They form these boards for purposes  
23 of communication.  
24 COMMISSIONER MERRIFIELD: We don't require it at  
25 all of the complex sites?

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1 MR. GREEVES: If it's a complex site that is  
2 asking for a restricted release, the rule requires it.

3 COMMISSIONER MERRIFIELD: The answer to the  
4 question is, no, we don't require it at all the sites.

5 MR. GREEVES: Right.

6 COMMISSIONER MERRIFIELD: In an analogous  
7 situation, I used to deal with Superfund. All of the sites  
8 have boards irrespective of whether the end point is  
9 unrestricted release. I don't know if you have ever  
10 considered doing that. There are many stakeholders who  
11 notwithstanding the fact that the site will be cleaned up  
12 their concerns are how you clean it up and the impact on the  
13 community. I am wondering if any consideration has been  
14 given to that.

15 MR. PAPERIELLO: I had a conversation with the EPA  
16 Superfund people on that. The point is, though, not all the  
17 chemical decommissionings are Superfund decommissionings. A  
18 Superfund decommissioning is a very unique decommissioning.  
19 EPA doesn't look for them; they are brought to the EPA's  
20 attention. The reason why they have a site advisory board  
21 is that in part the decommissioning criteria are somewhat  
22 nebulous.

23 I'm giving you my perception from the interactions  
24 I had with Maine Yankee in Region I. So I probably know  
25 enough just to be dangerous. They do it, but it's for a

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1 different reason. I mentioned earlier we do lots of  
2 decommissionings. Somewhere along the line we would have to  
3 define a threshold for having a site advisory board. We did  
4 do it in the rule when it was restricted release. That was  
5 the decision that was made in the past. I think we need to  
6 remember that we have a lot of small licensees who  
7 decommission.

8 COMMISSIONER MERRIFIELD: I think the analogous  
9 situation is with Superfund and RCRA. EPA has under its  
10 jurisdiction thousands of RCRA sites, a portion of those  
11 scoring high enough on the hazardous ranking system, having  
12 the right score for Superfund. There are approximately  
13 1,400 of those. So Superfund is a much smaller subset than  
14 10,000 RCRA sites.

15 I guess that creates a follow-up question. How do  
16 we make a distinction between the sites that aren't complex?  
17 How do we decide what is complex and what is not? How do  
18 sites come on this list?

19 MR. GREEVES: It is a bit of history. The  
20 February paper we kind of got at a crossroads. We said  
21 we've got several criteria about how you get on the list.  
22 Now that the decommissioning rule came into place there was  
23 this criteria for restricted release which didn't exist back  
24 in the early 1990s. So we said we've added that to the  
25 criteria. If a licensee asks for restricted release, it

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1 goes on the list automatically.

2 The other criteria, if memory serves me, were  
3 bankruptcy, if we have a site that is bankrupt; if we have a  
4 site that has significant groundwater or soil contamination.  
5 There are a couple of others. Maybe Nelson would be able to  
6 help me. It is pretty significant. You have to have large  
7 volumes of material.

8 Restricted is automatic. Today, if I get an  
9 application for restricted release, then next year you would

10 see that site. It doesn't mean that it's a particular  
11 problem, but it's worthy of a lot more attention.

12 I think there are some 11 sites that aren't on  
13 this list that are pretty significant to me that we actually  
14 have a contractor looking at. The gradation is better  
15 explained in the previous paper. It was the year-ago paper  
16 where we defined what criteria it was for going on the list.  
17 It included at least those three factors: restricted  
18 release, soil contamination, groundwater contamination,  
19 bankruptcy. I can probably do a better job later.

20 COMMISSIONER MERRIFIELD: Perhaps you can provide  
21 that to us later on.

22 Again, harking back to my prior experience before  
23 I came to the Commission, I am on the public record as  
24 criticizing EPA on a number of scores on Superfund and RCRA.  
25 I think one of the things that they do well in that program

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1 is keep track and have a good means of explaining where they  
2 are in the program, how many RCRA sites they have, how many  
3 Superfund sites they have, where they are in the pipeline of  
4 cleaning up the Superfund sites, those sites which have been  
5 identified and they have initiated the studies as to whether  
6 they are contaminated, whether they are currently conducting  
7 remedial action, whether they made a record decision,  
8 whether the site has been cleaned up or whether it requires  
9 institutional controls. They can make a presentation, and  
10 do frequently, to Congress as to where they are in the  
11 pipeline; of that 1,400 sites, how many of them fit each one  
12 of the boxes.

13 I don't mean this as a criticism because I think  
14 the staff probably in your heads and in your file cabinets  
15 have a very good idea where all this stands. My concern is  
16 that the information that has been provided to us today  
17 doesn't give me a very good idea of where we are in terms of  
18 the cleanup of these sites.

19 A couple of reasons for that, I think. One of  
20 them is some of the terminology that we use. We refer to  
21 some of these sites as the license being terminated. If you  
22 say to a member of the public, well, we terminated three  
23 licenses this year, they sort of scratch their head and say,  
24 well, what does that mean? Is it clean or is it not clean?  
25 Is it open for unrestricted use or not? Are there

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1 institutional controls or not?

2 The other thing EPA does is they do a good  
3 narrative job of having explanatory materials for any given  
4 region. You have a little booklet and you can go in and it  
5 will give you all the details on an individual site and  
6 where it is and where they have been and the milestones. I  
7 don't know whether we have that kind of information. If we  
8 do, I am hoping you can share it with me and the other  
9 members of the Commission.

10 If we had another congressional committee who  
11 wanted us to come up and give an explanation about where we  
12 are in the pipeline, how many sites are cleaned up, how many  
13 are going to be cleaned up relatively soon, and the time  
14 line for each of these 34 sites, based on at least the  
15 information here I don't think I'd be very comfortable going  
16 before Congress and trying to explain that.

17 Don't take this as a criticism. I think the staff  
18 has it all in their heads and has it all in their file  
19 cabinets. Just having it in a form which is useful for the

20 Commission to understand and be able to explain to the  
21 public, this doesn't convince me you have it.  
22 MR. PAPERIELLO: I agree with you 100 percent, and  
23 we are going to get it. That was my reaction from  
24 discussions I've had with the staff over the past couple of  
25 months, that we need to have a good picture where every site

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1 lives; there are going to be obstacles, and we need to tell  
2 you where the obstacles are going to be.

3 COMMISSIONER MERRIFIELD: In point of fairness to  
4 Carl, he and I had an earlier discussion on related issues  
5 with some of the mining sites we have. I think we have the  
6 same set of issues. Carl did commit to that earlier, and I  
7 appreciate the fact that you recognize it here as well. I  
8 think that is very positive.

9 I have some more questions, but I am going to  
10 limit myself to this round and am willing to pass on to my  
11 colleagues.

12 COMMISSIONER DIAZ: It just struck me that you  
13 keep saying when you talk with stakeholders there is a group  
14 that says zero is what we want. Does EPA defend you in that  
15 case and say, no, we would like to see 15?

16 MR. GREEVES: I think they visibly present their  
17 view in the meetings. What we have all heard them say is 25  
18 is not adequate and use 15. So I think that whole statement  
19 is they are not looking for zero; they are looking for 15.  
20 However, anybody who really understands the process and  
21 examines things like the MCLs, their standards for coal  
22 piles -- I don't want to get Carl started -- everybody knows  
23 that 15 is probably in the middle of the numbers that they  
24 really use.

25 COMMISSIONER DIAZ: But it's not zero.

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1 MR. GREEVES: It's not zero.

2 COMMISSIONER MERRIFIELD: Commissioner, if I may  
3 jump in for a second. EPA is different than this Commission  
4 in a lot of ways. One of the ways in which they are  
5 different, and it is significant for me from a cleanup  
6 standpoint, is their regional structure.

7 In this agency we have a very strong consistency  
8 between our regions and a very high level of coordination  
9 and control between our headquarters here in Rockville and  
10 our offices out in the regions.

11 EPA is not the same way. The regions within EPA  
12 have an enormous degree of variability in terms of how they  
13 conduct these cleanups. Having traveled to a number of  
14 regions and looked at over 50 Superfund sites nationwide, I  
15 will tell you that -- and there may be some impact in terms  
16 of our dealings with EPA -- the kind of clean up that  
17 individual companies will have dealing with EPA can vary  
18 enormously. I'm not going to point out which ones, but some  
19 regions are very inflexible. The numbers are the numbers  
20 and that's it. Other regions are very flexible. You can  
21 have in EPA two virtually identical sites that are treated  
22 dramatically different.

23 I think this agency has done a lot better job of  
24 that in coordinating and should be complimented for that  
25 reason. This creates problems for our staff, because the

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1 interactions we might have with EPA Region I in New England

2 might be very different than the reactions we have with EPA  
3 Region V or EPA Region VIII.

4 MR. GREEVES: EPA doesn't say zero. The  
5 Commission asked us to work with EPA on the mixed waste  
6 proposal, which we are doing, and I think that could be a  
7 win-win. We are working together on that. That's not zero.  
8 They are also working internationally on a clearance  
9 criteria. That's not zero. That's transparent.

10 COMMISSIONER DIAZ: That was my point.

11 MR. GREEVES: When the hard questions come, we  
12 don't tend to rescue each other.

13 COMMISSIONER DIAZ: The bottom line is the zero  
14 point is not realistic and all the federal agencies realize  
15 it. At least there is an understanding that there has to be  
16 some realistic numbers that are used.

17 We keep talking about the complexities in the  
18 modeling. Since I've been here I've been hearing about the  
19 complexities. I guess the staff is getting ready to put  
20 some hands around the complexities of the modeling and will  
21 give us an idea of how large the uncertainties are. In  
22 other words, you don't have the answers but you know where  
23 the answers should lie in an envelope that you can work  
24 with.

25 MR. PAPERIELLO: We are going to be discussing

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1 that tomorrow in the performance assessment.

2 COMMISSIONER DIAZ: Thank you.

3 CHAIRMAN DICUS: Commissioner McGaffigan.

4 COMMISSIONER MCGAFFIGAN: You keep mentioning  
5 finality, and obviously we have a position on finality. You  
6 mentioned the Apollo site a couple times. It was before my  
7 time on the Commission, but we spent a lot of money, thanks  
8 to the Congress, cleaning up that site. Or the taxpayers  
9 and the licensee did.

10 How clean is the site? Why would there be any  
11 question about finality there? I know that was done under  
12 the old criteria, the reg guides, but can you guesstimate  
13 how clean the site would be using millirems to average  
14 member of a critical group per year?

15 MR. GREEVES: I don't want to speculate in the  
16 middle of it being done. We moved a lot of stuff. We  
17 actually moved more than the criteria. On and off I worked  
18 on that site for a decade. I had a number of different jobs  
19 and I kept cycling back to it. The criteria there was 30  
20 picocuries per gram.

21 I talked to Envirocare, the site that was  
22 receiving the material removed, and they said it's averaging  
23 15. They were cleaning up more than 30. So what was left  
24 was probably considerably under 30. The site is not  
25 occupied. The last time I was up there it was kind of a

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1 green field, a park. When it gets reoccupied, which I'd  
2 like to see in the interest of the country, it will probably  
3 be an industrial area or something like that where people  
4 will move in and out. Any dose would be quite low.

5 I don't want to go much further. It is under a  
6 bit of cloud.

7 COMMISSIONER MCGAFFIGAN: We have this big dispute  
8 with EPA we talked about at the congressional hearing, but  
9 how do you on an individual site get everybody to promise  
10 it's clean enough and we are not going to come in and invoke  
11 some additional authority and you can, town fathers,



12 redevelop the site? If I'm a town father in Pennsylvania,  
13 knowing that there is this big national issue and they are  
14 not running very fast to solve it, how do I get my local  
15 issue resolved?

16 MR. GREEVES: Either EPA should put out their  
17 general applicable standard or back off, in my view.

18 COMMISSIONER MCGAFFIGAN: The financial assurance  
19 issue. You mentioned that a long time ago we put out this  
20 financial assurance rule. How well has it performed?

21 We have these folks who are bankrupt or we have  
22 these folks whose sureties turn out to be inadequate.

23 Have we taken another look given the experience we  
24 have had over the last decade with the actual cost of  
25 cleanups and said what the size of the financial assurance

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1 needs to be? Have we thought about going back and imposing  
2 whatever the results of that study -- we may be too high for  
3 some classes of licensees; we may be too low for others. Is  
4 there work to be done in that area?

5 MR. GREEVES: I can't give you a good answer. We  
6 have experience. First, I would like to say it has been a  
7 great asset to put that in there, because it gets  
8 everybody's attention. They know up front financial  
9 assurance is important. I like it in the rule.

10 Is \$750,000 the right --

11 COMMISSIONER MCGAFFIGAN: Is that what it says,  
12 \$750,000?

13 MR. GREEVES: Depending on your facility. It's a  
14 graded approach. For the fuel fabrications facilities, I  
15 think the first measure was like \$750,000. That only lasted  
16 a while, until you did a decommissioning plan. Of course  
17 most of them at that point went up; \$750,000 was too low  
18 for, say, a fuel fabrication facility.

19 If the number is too high, you can come in with a  
20 decommissioning plan. We will do a customized review, and  
21 if \$750,000 is the wrong number, then you do a plan. We  
22 review it. If it's \$500,000, we drop it down.

23 I think it's working. I will take a note to go  
24 back and see if there is more work to do in that area in  
25 terms of refining the numbers.

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1 COMMISSIONER MCGAFFIGAN: I didn't know what the  
2 numbers were in the rule because I haven't looked at it. It  
3 strikes me the numbers we deal with on these complex sites  
4 are in the millions or sometimes tens of millions. Being  
5 able to recognize up front what is likely to be a complex  
6 site, maybe we can't. Maybe it's the practices that were  
7 conducted at the site. Somewhat more financial assurance  
8 would have been useful for some of these sites.

9 COMMISSIONER DIAZ: I think we see the value of  
10 each one of Commissioners looking at a different thing. The  
11 specific questions of Chairman Dicus, Commissioner  
12 Merrifield, and Commissioner McGaffigan is part of what I  
13 said the first time. We need to get some information that  
14 is specific. That will certainly make the briefing much  
15 more complete for us. I think it is an important thing for  
16 us to have.

17 COMMISSIONER MERRIFIELD: I agree.

18 MR. NELSON: One thing I might say about the  
19 financial assurance without getting too far out of my box is  
20 the \$750,000 was in a sense a figure, a marker put on the

21 table. In a sense, one might say it is a grandfather or  
22 grandmother provision. It has had problems. The ANS case,  
23 Commissioner McGaffigan, you mentioned. That is the  
24 touchstone. The issues in that case relate to the  
25 decommissioning assurance.

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1 What was supposed to happen is a realistic  
2 estimate is supposed to be made with the decommissioning  
3 plan. The problem, I think, is this transition period from  
4 getting beyond the \$750,000 to the realistic estimates.  
5 Then you are falling in a number of places, as I understand  
6 it.

7 COMMISSIONER MCGAFFIGAN: If you are Westinghouse  
8 it's no big deal at that point if you need \$7 million  
9 instead of \$750,000. If that was the sole business, you are  
10 bankrupt. We consistently run into, for some of these  
11 complex sites, less than adequate resources at the end. I  
12 don't know how predictable it would be.

13 MR. PAPERIELLO: That's what I meant by  
14 prospective and retrospective. For people we licensed after  
15 the rule went into effect, I think we are in reasonably good  
16 shape. The problem is when the rule went into effect,  
17 immediately money had to be on the table. Then with the  
18 renewal they were supposed to follow the details of the  
19 rule. You come up with a decommissioning plan and price it  
20 out and then make sure you can pay for it.

21 What you have is these complex sites are sites  
22 that were already bankrupt or out of business when the rule  
23 went into effect, and then we had a number of people who are  
24 in business put up the \$750,000. But once they did the  
25 actual detailed plan and looked at the money, the money was

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1 enormous compared to the value of their business. That's  
2 why I say the retrospective is where you tend to have the  
3 problems. I think prospectively we are in pretty decent  
4 shape.

5 CHAIRMAN DICUS: Commissioner Merrifield.

6 COMMISSIONER MCGAFFIGAN: Could I ask one more?  
7 It's almost more a procedural point. We have mentioned a  
8 couple of papers today.

9 On July 9 we had the stakeholder meeting and we  
10 have gotten the summary of it. I went to part of it.  
11 People talked about how we could do our business better.  
12 One of the points the stakeholders made from both industry  
13 and the public interest groups is when we have meetings to  
14 make sure there are adequate papers and all the papers  
15 discussed are available. We have mentioned a couple today,  
16 one of which we just got, and the other of which is an  
17 information paper that within days will wend its way to the  
18 PDR on the option of entombment.

19 I think we probably would have been better off to  
20 have made those publicly available even it was just coming  
21 to us today so that we don't get the criticism that we are  
22 talking about papers that we are not making available to the  
23 public.

24 Of the four papers we discussed today, two are  
25 available, one of which was quite sometime ago. These two

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1 are going to be available soon, but I think just  
2 procedurally we would be better off if they were available  
3 to the public.

4 CHAIRMAN DICUS: They will be available to the  
5 public, both of them.

6 Commissioner Merrifield.

7 COMMISSIONER MERRIFIELD: A couple of quick  
8 things. I will try to wrap this up. Commissioner  
9 McGaffigan made some points relative to brownfields. We  
10 talked about the Apollo site. The issue of brownfields and  
11 providing an ability to get sites that are utilized back  
12 into economic commerce is one which is very attractive to  
13 Congress right now.

14 If we haven't already, and perhaps we have,  
15 perhaps we should consider and have our counsel consider an  
16 appropriate legislative package that may provide us with  
17 some authority to provide the legal assurances necessary to  
18 help some of these brownfields move forward. It has been an  
19 important priority of the Clinton Administration. Congress,  
20 both sides, Republican and Democrat, agree with it as well.  
21 If there is an area there where we need to look at cases  
22 such as Apollo, I think we should certainly consider it.

23 The second point I would make is on the state  
24 sites I did ask the question: Do we keep track of the sites  
25 which we formerly had responsibility for and have been

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1 turned over the states? To be honest, I think if we were to  
2 go up before Congress and were to be asked the questions,  
3 what's going on with those sites, an answer of, "well, we  
4 are not really sure" isn't the right answer for Congress.

5 I would urge the Chairman to instruct the staff to  
6 perhaps think about going back and getting that information  
7 so that we can have a better analysis of how the state  
8 cleanup programs are doing as it relates to state  
9 authorization.

10 A quick question on resources. At those sites  
11 where the companies are either bankrupt and insolvent or  
12 where there are insufficient resources to clean up, do we  
13 have a mechanism to obtain the money necessary to do what we  
14 feel is necessary to protect public health and the  
15 environment?

16 MR. GREEVES: The only mechanism that I have  
17 available to me is the funds that are provided. I know of  
18 no vehicle. Maybe OGC can help me. We did the issues paper  
19 sometime ago. If we get to the end of the road and there  
20 are no funds and there is work to be done, I don't know what  
21 the mechanism is.

22 Help me out, Steve.

23 MR. BURNS: I think the answer is no. The staff  
24 does have a process in which they identify contacts in our  
25 office to go through the bankruptcy process. Atlas is one

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1 of the higher profile, more recent examples. What we do  
2 from a governmental standpoint is we try to push to the  
3 front of the line and assert that we have an administrative  
4 claim in terms of environmental protection that requires  
5 payment out of the bankrupt estate before other claims and  
6 other creditors are satisfied.

7 We don't have funds. I think we don't have  
8 current legislative authority for a fund that we would  
9 expend and we do not ourselves undertake the cleanup effort,  
10 for example, on a contractor basis. Again, using the Atlas  
11 example, one of the conceptions there is that you would  
12 create a trust to which the funds from the estate would roll

13 into the trust and then the trustee on behalf of the trust  
14 would be the regulated entity that would carry it out. That  
15 is the model under our current framework.

16 COMMISSIONER MERRIFIELD: As the staff under  
17 Carl's direction puts together a better analysis of where we  
18 are in the process, I would urge the Chairman to perhaps  
19 instruct the staff to think about how we are going to deal  
20 with these sites. It may very well be we are going to have  
21 some number of sites that there are no financial resources  
22 but activities should be undertaken to protect public health  
23 and the environment.

24 We may need to seek assistance from Congress, a  
25 special appropriation perhaps, directing, for example, the

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1 Army Corps of Engineers to take responsibility and to clean  
2 up those sites, to get them completed. I think we need to  
3 think where we are going to be when we get to that point. I  
4 make that for the consideration of the Chairman.

5 MR. BURNS: The one other thing I would add is  
6 that we speak to sister agencies like DOE or EPA. For  
7 example, in the Superfund area some of our sites probably  
8 don't score very high.

9 CHAIRMAN DICUS: Carl.

10 MR. PAPERIELLO: We do have a bankruptcy  
11 procedure.

12 MR. BURNS: Right.

13 MR. PAPERIELLO: Most of the time it's used for  
14 material licensees like radiographers and well loggers that  
15 have fairly hot sealed sources. It has been effective. We  
16 get on top of it. Somebody has picked up the sources. DOE  
17 has taken sources; sometimes the states have taken sources  
18 or arranged for another licensee to take the sources. Where  
19 there are acute problems we have always had a way to deal  
20 with it.

21 Generally, when you have the kind of issues we  
22 have here with diffuse source material you don't have an  
23 acute hazard. It does not score on a Superfund. Up to now  
24 there has been enough money around to have custodial care.  
25 Maybe not remediate the site, but at least to have custodial

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1 care to make sure people don't go on the site.

2 COMMISSIONER MERRIFIELD: I think as we move  
3 towards closing out these issues we may want to think about  
4 that.

5 My last quick question. Today is the 29th of  
6 July. August 20 is the original deadline for the licensees  
7 to meet the requirements under the license termination rule.  
8 One could argue that it is somewhat late in the process to  
9 be asking the Commission to extend that date for an  
10 additional year. I am wondering why the timing given the  
11 fact that there is so much left seemingly to accomplish.

12 MR. CAMPER: The commitment for the licensees, the  
13 sites, was the 20th a year ago. The 20 August time line is  
14 for the staff. For some of the reasons I went through, a  
15 lot of good faith effort has been made and we are well along  
16 the way. When you see the Commission paper, it contains a  
17 table that will give you the dates that we are working  
18 toward. Many of them will be brought to closure in this  
19 calendar year or in the first quarter of the next calendar  
20 year.

21 For such reasons as coordination of EA reviews  
22 with the states or coordination with the EA EIS group within

23 NMSS to review these, the quality and the timing of  
24 responses from the licensees or sites, those kinds of things  
25 have led to some delay.

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1 While we believe that we will get these sites  
2 completed according to the schedule we are presenting to  
3 you, we also know that there will be times when something  
4 just might go awry; we will just not be able to meet that  
5 date. So we are saying as a backdrop, as a safeguard, we  
6 want to extend and provide an exemption with the one year,  
7 but it's really affecting the date that we have.

8 COMMISSIONER MCGAFFIGAN: As I understand, we are  
9 not going to allow additional people to come in the door;  
10 their day was a year ago, August 20, 1998. It's our review  
11 period for what they sent in by August 20, 1998.

12 COMMISSIONER MERRIFIELD: Let me rephrase the  
13 question a little differently. I wasn't as articulate as I  
14 should have been.

15 At what point did we realize we internally weren't  
16 going to meet this date? If we had known that a while back,  
17 had the Commission known sooner, we may have been able to  
18 redirect some resources in order to get it accomplished  
19 sooner. I don't mean to be smart about this, but seemingly  
20 we have no other choice, no other course of action. The  
21 Commission has been precluded from acting its will in some  
22 other manner to make sure, if we wanted to, that we wanted  
23 you to meet this date.

24 MR. GREEVES: First, let me apologize for giving  
25 you the paper late. We should have gotten it to you

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1 earlier. You are right on point.

2 To answer your question, we gave the Commission a  
3 paper in February. If you read that paper, it says we are  
4 on schedule. As of February we did not know that this would  
5 be a problem. Between February and now we detected it, and  
6 we have been working very hard on that paper for longer than  
7 I'd like to talk about.

8 First, I'm sorry. I apologize for not getting it  
9 up to you sooner. It was my goal to get it up to you sooner  
10 and I didn't make it. Probably two months ago it was real  
11 clear to me that we had a problem and we started working on  
12 this paper. It's only a paper of a few pages, but it's  
13 unbelievable the complexity of answering the question of,  
14 well, who does this apply to, who does it not apply to? Do  
15 you have to do an order? Can you just give a license  
16 condition? The paper has probably been rewritten, I don't  
17 know how many times. All of that is where we are.

18 CHAIRMAN DICUS: I think you are identifying the  
19 process problem together with the complexities of the  
20 question.

21 COMMISSIONER MERRIFIELD: Chairman, I think the  
22 staff is working real hard. Everybody around here that I  
23 talk with in the staff is working hard. I think we  
24 recognize this. I think the Commission is willing to be  
25 flexible in order to help the staff where it's needed. An

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1 early warning of these things is helpful for us. It  
2 certainly would make me feel a little bit more in the  
3 process in that regard. That's the reason for that line of  
4 questioning.

5 COMMISSIONER MCGAFFIGAN: One solution might be  
6 that when the staff starts to work on a paper like this that  
7 a TA note come up and says a problem has arisen; we don't  
8 have all the details as to how to resolve it, but we intend  
9 to write a policy paper asking for exemptions. They might  
10 have been able to send that as a TA note two months ago and  
11 then all these details that had to be worked out as to who  
12 it applied to and all that they finally get to us on July  
13 29, and that's okay because we had two months notice that it  
14 was coming. That happens sometimes.

15 MR. TRAVERS: I think it's a fair comment. I  
16 think we need to keep you apprised. Hopefully there won't  
17 be many instances, but where there are and we can provide  
18 you with an early indication, we ought to do it.

19 CHAIRMAN DICUS: Thank you.

20 Again, on behalf of the Commission and fellow  
21 Commissioners I want to thank the staff for the briefing we  
22 had today and for the discussions and the frankness and the  
23 candidness of them. I think they have been very beneficial  
24 and I think they have shown that we have made some real  
25 improvements in our decommissioning program, our license

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1 termination program, but I think it's clear from the  
2 comments you've made and from the discussions that have gone  
3 on on either side of the table that we have to continue to  
4 make progress in identifying further issues that we need to  
5 address.

6 We have had successes at a number of the sites,  
7 but we have sites that are problematic and success is not as  
8 clear a path as we might hope that it would be.

9 I think you've heard today whatever mechanisms are  
10 appropriate, whether it be a paper or whether we should  
11 consider a briefing in the not too distant future to address  
12 some of the issues, where are we with our policies? Do our  
13 policies and the programs that we have need to undergo some  
14 sort of modification? Have we identified all the policy  
15 issues that exist?

16 I think it's clear that we do need additional  
17 information on the sites, where the sites are, as pointed  
18 out, a scorecard, understanding them; perhaps more detailed  
19 analysis.

20 We clearly want the information from the Agreement  
21 States. I think we will get in touch with state programs to  
22 get the follow-up on where they are with sites that they may  
23 have identified or sites that were turned over to them or  
24 that we made them aware of. There are such sites such as  
25 the MP sites that the states do have.

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1 We heard very specific issues that were brought up  
2 that we obviously need more detailed information on.  
3 Perhaps we need to consider as we look at improving the  
4 programs whether or not we need additional legislation to  
5 deal with the sites and whether we need to take more  
6 responsibility for the cleanup of these sites. Clearly  
7 those are some legislative issues for the Commission to  
8 wrestle with.

9 Again I want to thank you for the briefing, for  
10 the work that you have put in. We will hear the rest of the  
11 story on the dose modeling in the morning. It should be  
12 another very interesting session.

13 Do my colleagues have any additional comments or  
14 questions?

15           This briefing is adjourned. Thank you.  
16           [Whereupon at 3:45 p.m. the briefing was  
17 concluded.]  
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