

May 7, 2013

ALL AGREEMENT AND NON-AGREEMENT STATES  
STATE LIAISON OFFICERS

NOTICE OF AN UPCOMING WEBINAR AND REQUEST FOR COMMENTS ON  
CONSIDERATION OF RULEMAKING TO ADDRESS PROMPT REMEDIATION OF RESIDUAL  
RADIOACTIVITY DURING OPERATIONS (FSME-13-041)

**Purpose:** To inform all State contacts about: (1) the U.S. Nuclear Regulatory Commission (NRC) staff plans to conduct a public webinar on June 4, 2013, to inform stakeholders of NRC consideration of potential rulemaking to address prompt remediation of residual radioactivity during operations; (2) the NRC staff's intent to further engage stakeholders and gather information to support the development of a draft technical basis for rulemaking for Commission consideration; and (3) the availability of additional information on this potential rulemaking along with instructions on how to participate in this webinar and other ways to comment<sup>1</sup> on this rulemaking initiative.

---

<sup>1</sup> This information request has been approved by OMB 3150-0029, expiration 11/30/2013. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and Information Services Branch (T-5F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to [infocollects.resource@nrc.gov](mailto:infocollects.resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0200), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

<sup>2</sup> This information request has been approved by OMB 3150-0200 expiration 09/30/2015. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and Information Services Branch (T-5F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to [infocollects.resource@nrc.gov](mailto:infocollects.resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0200), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

<sup>3</sup> This information request has previously been approved by OMB 3150-0163 and was resubmitted to OMB for review of continued approval of information collection. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and Information Services Branch (T-5F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to [infocollects.resource@nrc.gov](mailto:infocollects.resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0200), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

**Background:** NRC published the Decommissioning Planning Rule (76 *FR* 35512, June 17, 2011) with an effective date of December 17, 2012. That rule provides a risk-informed approach to identifying radiological contamination, especially in the subsurface, that could cause an increase in cost of decommissioning that may impact a licensee's ability to pay to remediate and ultimately terminate the license. The rule applies to the operational phase of a facility life, and requires licensees to operate in a way to minimize spills, leaks and other unplanned releases to the environment. It also requires licensees to check periodically for contamination throughout the site, including in subsurface soil and ground water. It does not have a requirement for licensees to conduct remediation during operations. In approving the Decommissioning Planning Rule, the Commission directed the staff to "...make further improvements to the decommissioning planning process by addressing remediation of residual radioactivity during the operational phase with the objective of avoiding complex decommissioning challenges that can lead to legacy sites."

In July 2011, NRC issued a draft technical basis and conducted a webinar to obtain stakeholder input on a potential rule that would mandate remediation during operations under some conditions. Staff revised the basis document by incorporating stakeholder input. Following further NRC review of ground water issues, the Commission directed the staff to obtain additional stakeholder input on a potential rulemaking requiring prompt remediation during operations. Therefore, NRC is issuing a draft regulatory basis for public comment prior to making a recommendation to the Commission on potential rulemaking.

**Discussion:** NRC is seeking additional input from the public, licensees, Agreement States, non-Agreement States, and other stakeholders on a potential rulemaking to address prompt remediation of residual radioactivity during the operational phase of licensed material sites and nuclear reactors. While the NRC has not initiated a rulemaking on this subject, we are gathering information and seeking input for developing a technical basis document. To facilitate the public's and other stakeholders' understanding of these issues and submission of informed comments, the NRC staff has scheduled a public webinar on June 4, 2013 from 12:00 p.m. – 3:00 p.m. (EDT).

A *Federal Register* Notice (FRN) will soon be published with details on the webinar. The FRN will discuss the potential rulemaking and solicit stakeholder input on specific questions. The FRN will include information on how to register to participate in the webinar. The webinar notice, agenda, and the staff's draft Proposal Technical Basis for Rulemaking will also be posted in advance of the webinar at: <http://www.nrc.gov/public-involve/public-meetings/index.cfm>.

If you have any questions regarding this correspondence, please contact me at 301-415-3340 or the individual named below:

POINT OF CONTACT: James Shepherd  
TELEPHONE: (301) 415-6712

INTERNET: [James.Shepherd@nrc.gov](mailto:James.Shepherd@nrc.gov)  
FAX: (301) 415-5369

**/RA Pamela Henderson for/**

Brian J. McDermott, Director  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials  
and Environmental Management Programs

If you have any questions regarding this correspondence, please contact me at 301-415-3340 or the individual named below:

POINT OF CONTACT: James Shepherd  
 TELEPHONE: (301) 415-6712

INTERNET: James.Shepherd@nrc.gov  
 FAX: (301) 415-5369

**/RA Pamela Henderson for/**

Brian J. McDermott, Director  
 Division of Materials Safety and State Agreements  
 Office of Federal and State Materials  
 and Environmental Management Programs

ML13109A167

<b>OFC</b>	DWMEP	DWMEP	MSSA	MSSA	MSSA
<b>NAME</b>	JShepherd	BWatson	DWhite	PHenderson	/PHenderson for/ BJMcDermott
<b>DATE</b>	4/18/13	4/22/13	4/30/13	4/7/13	4/7/13

OFFICIAL RECORD COPY