

No. 92-183  
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FOR IMMEDIATE RELEASE  
(Friday, December 11, 1992)

NRC INITIATES ENHANCED PARTICIPATORY RULEMAKING  
ON CRITERIA FOR SITE CLEANUP AND DECOMMISSIONING

The Nuclear Regulatory Commission is initiating an enhanced participatory rulemaking to establish radiological criteria for site cleanup and decommissioning of NRC-licensed facilities. The Commission intends to provide for early and comprehensive input from affected interests by soliciting comments on the rulemaking issues before the staff develops a draft proposed rule.

With this objective, the Commission will conduct a series of workshops in 1993 to obtain comments on the fundamental approaches and issues that should be addressed in establishing radiological criteria for decommissioning. The workshops will be held in various locations throughout the United States and will be open to the public.

The schedule for the workshops is as follows, with specific locations and times to be announced later:

January 27 and 28--Chicago  
February 23 and 24 -- San Francisco  
March 12 and 13 -- Boston  
March 23 and 24 -- Dallas  
April 13 and 14 -- Philadelphia  
April 29 and 30 -- Atlanta  
May 6 and 7 -- Washington, DC (national workshop)

The workshops will focus on the issues and approaches identified in a rulemaking issues paper on radiological criteria for decommissioning of NRC-licensed facilities prepared by the NRC staff. The paper will be distributed to participants in advance of the workshops. Copies of the paper are also available from Francis X. Cameron, Special Counsel for Public Liaison and Waste Management, Office of the General Counsel, Washington, DC 20555.

As discussed in the rulemaking issues paper, two primary issues are (1) the objective or approach to be used for

developing radiological criteria and (2) practicality considerations. The NRC staff has identified four possible fundamental approaches:

- Risk limits, which is the establishment of limiting values above which the risks to the public are deemed unacceptable, but with allowance for the criteria to be set below the limit using practicality considerations;
- Risk goals, where a goal is selected and practicality considerations are used to establish criteria as close to the goal as practical;
- Best effort, in which the technology for decontamination considered to be the best available is applied; and
- Return to background, where the decontamination would continue until radiological conditions were the same as existed prior to the licensed activities.

Secondary issues include the time frame for dose calculation, the individuals or groups to be protected, the use of separate criteria for specific exposure pathways such as groundwater, the treatment of radon and the treatment of previously buried materials.

The Commission will accept written comments on the Rulemaking Issues Paper until May 28, 1993. Comments should be addressed to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

NRC licensees are required to decommission their facilities when licensed activities have ceased, so that their licenses may be terminated. This requires that the radioactivity in land, groundwater, buildings and equipment resulting from the licensed operation be reduced to levels that allow the property to be released for unrestricted use. Confirmatory surveys are conducted by the NRC, where appropriate, to verify that sites meet NRC radiological criteria for decommissioning.

Types of NRC-licensed facilities that will require decommissioning include nuclear power plants, research and test reactors, fuel fabrication plants, uranium hexafluoride production plants and independent spent fuel storage installations. In addition, there are about 8,000 NRC materials licensees. Another approximately 16,000 materials licensees are licensed by 29 Agreement States, which are states that have assumed, by agreement, part of the NRC's regulatory authority.

Several hundred NRC and Agreement State licenses are terminated each year. The majority involved limited operations, produced little or no radioactive contamination and do not present complex decommissioning problems or potential risks to public health or the environment from residual contamination. However, as the nuclear industry matures, it is expected that more of the larger nuclear facilities will be decommissioned.

The Commission believes that there is a need to incorporate into its regulations radiological criteria for termination of licenses and release of land and structures for unrestricted use. The criteria would not apply to uranium mines and mill tailings, high-level waste repositories or low-level waste disposal facilities.

Until the new criteria are in place, the NRC will consider plans for the decommissioning of nuclear facilities on a site-specific basis as the need arises, using existing criteria and making case- and activity-specific risk decisions as necessary.

The series of workshops to be held in 1993 are intended to bring about a clearer understanding of the positions and concerns of the affected interests, as well as to identify areas of agreement and disagreement. It is not the intent to attempt to develop a consensus agreement on the rulemaking issues.

The number of participants in each workshop will be limited to about 15 to 20 in order to have a manageable discussion. The public will be given an opportunity to comment on the rulemaking issues and the workshop discussions at discrete intervals during the workshops.

Invitations to participate in the workshops will be extended by the NRC staff based on:

- Participation by the full range of interest affected by the rulemaking such as state governments, local governments, tribal governments, Federal agencies, citizens groups, nuclear utilities, other types of nuclear facilities, decommissioning contractors and professional societies;
- Ability of the participant to knowledgeably discuss the full range of rulemaking issues; and
- Regional orientation versus national orientation, with organizations with a national focus to be part of the national workshop to be held in Washington, DC, rather than one of the regional workshops. The national workshop is not intended to be a summary of the other workshops and the NRC does not intend to give any

greater weight to comments made during that workshop than to any of the comments made at the regional workshops.

The Environmental Protection Agency, because of its expertise and responsibilities, will not only participate in the workshops, but has also been consulted by the NRC staff on the development of the rulemaking issues paper and will be consulted in the evaluation of the workshop comments. The Department of Energy (DOE) has also indicated a preliminary interest in participating in the national workshop. Although the Commission's decommissioning standards will generally not be directly applicable to DOE facilities, DOE possesses substantial expertise in the decommissioning area that will be a useful source of information. The NRC anticipates that other federal agencies will participate in the national workshop.

To make sure that each workshop addresses the issues in a consistent way, the workshops will have a common pre-defined scope and agenda focused on the rulemaking issues paper. However, the workshop format will provide flexibility to allow for the introduction of any additional issues that the participants want to raise.

Personnel from The Keystone Center, a nonprofit organization located in Keystone, Colorado, will serve as neutral facilitators for each workshop.

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