

NRC/Agreement States Working Group
on Termination of Uranium Mill Licenses in Agreement States

CONFERENCE CALL SUMMARY

September 26, 2001

2-4 pm EDT

Participants

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1. General Discussions

Ž On behalf of the WG, Kevin Hsueh expressed appreciation for stakeholder's comments on the draft [SA-900 procedure](#). WG has received comments from NEI, NMA and a private citizen. WG also has received feedback from NRC offices (NMSS and OGC) and a draft comment letter from the Texas Department of Health.

Ž Kevin Hsueh summarized major WG activities occurred after the July 31 conference call.

WG completed its draft SA-900 procedure in the middle of August. On August 22, WG sent the draft procedure to OGC and NMSS for review and comment via STP.

On August 22, WG made the draft procedure available through an STP All Agreement States letter. The draft procedure was also posted on the WG page of the STP web site on the same date.

On August 23, WG made the draft procedure available to the public for review and comment through a [Federal Register](#) notice (66 FR 44389).

Ž Kevin Hsueh indicated that due to the number of comments received, WG would not address all the comments in the conference call but would document WG's response to each comment in the final report which is expected to be completed by the end of the year. The WG's final report will be posted on the WG page of the STP web site.

2. WG/Participants Discussion of Comments on the Draft SA-900 Procedure

Ž Discussions of NMA's comments

- (1) WG explained the purpose of having a two-step review process. The purpose of reviewing a draft Completion Review Report (CRR) is to provide an opportunity for NRC staff to have an overall understanding of the State staff's bases before an Agreement State (AS) makes a determination that all applicable standards and requirements have been met.

WG agrees that NRC's early involvement in working with issues identified by AS would avoid significant problems encountered during the NRC review period. In addition, potential significant issues, if any, that were not identified earlier can be clarified or addressed by taking appropriate actions by AS during the review of the draft CRR.

If all the issues identified in the draft CRR are addressed, the report with all the comments incorporated would be acceptable to be submitted as a final CRR. Since all the outstanding issues have been resolved during the draft CRR review period, the amount of time needed for NRC review and acceptance of the final CRR would be minimal.

WG agrees that the use of early-on NRC involvement should be emphasized in the draft procedure as a main mechanism to avoid any significant issues raised during the NRC review period. In addition, WG will consider including additional and clarifying information in the procedure so that the purpose of having a two-step review process is clear to the reader.

- (2) In response to NMA's comment on the change of uranium "mill" licenses to uranium "milling" licenses, WG believes that this change would make it clear that the draft procedure would apply to termination of licenses with activities involving uranium milling as defined in the 10 CFR Part 40.
- (3) WG acknowledged that there was an oversight in the Appendix A. Item number 4 under Step 3 in page A-6 should be revised to state that "Decommissioning information which documents that all contaminated materials have been properly disposed of, transferred to licensee(s) authorized to possess such materials, or meet applicable standards and requirements for release."
- (4) In response to NMA's comment on the inclusion of discussion of alternative standards, WG indicated that State approved alternative standards, if any, should have been in place long before AS prepares its CRRs for NRC review. As stated in the draft procedure, all applicable standards and requirements include State approved alternative standards. Since the main purpose of the draft procedure is to provide guidance for the preparation of the CRR, discussion on how to establish an alternative standard is not provided. It was noted that NRC may consider developing a separate procedure to deal with the adoption of alternative standards in AS. WG will consider adding a note in the draft procedure to highlight that AS may adopt alternative standards as part of the applicable standards and requirements according to the regulations.

- (5) WG agrees that some State standards that may be relevant to a given licensed site but are not within the definition of the applicable standards and requirements in the draft procedure would have no part in NRC's concurrence review or determination.
- (6) WG discussed the difference between the CRR and Standard Review Plan (SRP). WG believes that although the sample CRR cannot be served as a complete template, it does provide guidance for the user on the level of detailed information expected to be included in the CRR.

Ž Discussions of NEI's comments

- (1) In response to NEI's comments on the two-step review process, WG will consider including additional and clarifying information in the draft procedure as stated above.
- (2) WG discussed the difference between the CRR and the Safety Evaluation Report (SER) [or the Technical Evaluation Report (TER) as stated in the sample CRRs]. The CRRs should contain summaries of detailed evaluation results presented in the SERs as bases for State's conclusion that all applicable standards and requirements have been met. The CRRs should also contain a list of SERs as reference documents that support a license termination.
- (3) The purpose of having sample CRRs included in the draft procedure was discussed. WG indicated that the use of the draft procedure is different from that of an SRP. The main purpose of including sample CRRs in the draft procedure is intended to provide examples on the level of detailed information needed by NRC staff for concurrence determinations.
- (4) WG believes that guidance needed to address the risk-informed, performance-based regulations lies in the SRPs or equivalent documents. Based on review of licensee submittals using the SRPs or equivalent documents as review guidance, the State staff may reach conclusions that support a license termination. The information needed in the CRR contains State staff's bases for its conclusion that all applicable standards and requirements have been met.

Ž Discussions of draft comments from the Texas Department of Health

- (1) As stated above, WG will prepare a final report which includes analysis of comments from the stakeholders on the draft procedure.
- (2) A Table of contents will be included for both Appendix B and C.
- (3) WG will consider creating a section in the draft procedure to provide some background information and reference on the Long Term Surveillance Plan issue.

Ž Discussions of comments from Mr. John Surmeier

- (1) The Section 83b.(7) language can also be found under 10 CFR Appendix A requirements and therefore it is part of applicable standards and requirements. The

basis for meeting that Section 83b.(7) requirement would be addressed in the CRR as stated in the draft procedure.

- (2) WG will consult OGC/NRC staff and respond to the comment as to whether the Commission needs to approve the SA-900 Procedure before implementing any revisions.