

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

- *Fax comments to:* RADB at (301) 492-3446.

#### SUPPLEMENTARY INFORMATION:

##### Submitting Comments and Accessing Information

Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site, <http://www.regulations.gov>. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

You can access publicly available documents related to this document using the following methods:

- *NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-(800) 397-4209, (301) 415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The NUREG-1556, Volume 2, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Industrial Radiography Licenses, Draft Report for Comment" is available electronically under ADAMS Accession Number ML11312A123.

- *Federal Rulemaking Web Site:* Public comments and supporting materials related to this notice can be

found at <http://www.regulations.gov> by searching on Docket ID NRC-2011-0265.

#### FOR FURTHER INFORMATION CONTACT:

Tomas Herrera, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs, telephone (301) 415-7138, email: [Tomas.Herrera@nrc.gov](mailto:Tomas.Herrera@nrc.gov).

*NRC's Public Web site:* The document will also be posted on NRC's public Web Site at: (1) <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/> on the "Consolidated guidance About Materials Licenses (NUREG-1556)" under Volume 2, Revision 1 and (2) <http://www.nrc.gov/reading-rm/doc-collections/nuregs/docs4comment.html> on the "Draft NUREG-Series Publications for Comment."

Dated at Rockville, Maryland, this 10th day of November 2011.

For the Nuclear Regulatory Commission.

**James Luehman,**

*Deputy Director, Licensing and Inspection Directorate, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2011-29986 Filed 11-18-11; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2011-0266]

### Draft Interim Staff Guidance: Evaluations of Uranium Recovery Facility Surveys of Radon and Radon Progeny in Air and Demonstrations of Compliance

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability of draft staff interim guidance for public comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft Interim Staff Guidance, "Evaluations of Uranium Recovery Facility Surveys of Radon and Radon Progeny in Air and Demonstrations of Compliance with 10 CFR 20.1301." This Interim Staff Guidance provides guidance to the NRC staff for evaluating uranium recovery licensee demonstrations of compliance with the public dose limits of Title 10 of the *Code of Federal Regulations* (10 CFR) 20.1301.

**DATES:** Submit comments by January 20, 2012. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure

consideration only for comments received on or before this date.

**ADDRESSES:** Please include Docket ID NRC-2011-0266 in the subject line of your comments. For additional instructions on submitting comments and instructions on accessing documents related to this action, see "Submitting Comments and Accessing Information" in the **SUPPLEMENTARY INFORMATION** section of this document. You may submit comments by any one of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2011-0266. Address questions about NRC dockets to Carol Gallagher, telephone: (301) 492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

- *Fax comments to:* RADB at (301) 492-3446.

#### FOR FURTHER INFORMATION CONTACT:

Duane Schmidt, Office of Federal and State Materials and Environmental Management Programs, Division of Waste Management and Environmental Protection, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-6919, email: [Duane.Schmidt@nrc.gov](mailto:Duane.Schmidt@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Submitting Comments and Accessing Information

Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site, <http://www.regulations.gov>. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

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- **Federal Rulemaking Web site:** Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2011-0266.

## Discussion

Uranium recovery facility licensees, including in-situ recovery facilities and conventional uranium mills, are required to perform surveys of radiation levels in unrestricted and controlled areas, and to perform surveys of radioactive materials in effluents released to unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public provided in 10 CFR 20.1301. NRC regulations in 10 CFR 20.1302 permit alternative approaches in surveys and assessments used to demonstrate compliance with the public dose limits.

The NRC has recognized that existing guidance does not sufficiently detail how the NRC staff reviews surveys of radon and demonstrations of dose to members of the public due to releases of radon from operations of licensed uranium recovery facilities. This draft guidance is intended to document the criteria to be used by NRC staff to review radon surveys and demonstrations of dose to members of the public submitted by licensees under 10 CFR 20.1302 to demonstrate compliance with the public dose limits of 10 CFR 20.1301. Specifically, this document provides guidance to the NRC staff for reviewing licensee determinations of doses to members of the public from radon-222 and radon-222 progeny from UR facilities including: (1) Surveys of environmental and effluent radon and radon progeny in

air; and (2) radon-related aspects of demonstrations of compliance with the NRC's public dose limits of 10 CFR 20.1301. This guidance may also be used by NRC staff in evaluating portions of license applications, renewals, or amendments dealing with radon and radon progeny surveys and compliance.

Dated at Rockville, Maryland, this 10th day of November, 2011.

For the Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

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## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50-295 and 50-304; NRC-2011-0244]**

### **ZionSolutions, LLC; Zion Nuclear Power Station, Units 1 and 2; Exemption From Certain Security Requirements**

#### **1.0 Background**

Zion Nuclear Power Station (ZNPS or Zion), Unit 1, is a Westinghouse 3250 MWt Pressurized Water Reactor, which was granted Operating License No. DPR-39 on October 19, 1973, and subsequently shut down on February 21, 1997. Zion, Unit 2, is also a Westinghouse 3250 MWt Pressurized Water Reactor, which was granted Operating License No. DPR-48 on November 14, 1973, and was shut down on September 19, 1996. Zion is located in Lake County, Illinois.

In February 1998, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.82(a)(1)(i), the licensee certified to the U.S. Nuclear Regulatory Commission (NRC or the Commission) that as of February 13, 1998, operations had ceased at Zion, Units 1 and 2. The licensee later certified, pursuant to 10 CFR 50.82(a)(1)(ii), that all fuel had been removed from the reactor vessel of both units, and committed to maintain the units in a permanently defueled status. Therefore, pursuant to 10 CFR 50.82(a)(2), operations at Zion are no longer authorized under the 10 CFR part 50 licenses.

On September 1, 2010, the facility license was transferred from Exelon to ZionSolutions for the express purpose of expediting the decommissioning of the site. ZionSolutions intends to use a process that will reduce the labor-intensive separation of contaminated

materials and transport the facility in bulk to the EnergySolutions disposal site in Utah. Preparations for decontamination and dismantlement have begun. Completion of fuel transfer to the independent spent fuel storage installation (ISFSI) is scheduled for 2014. Final site survey and license reduction to the ISFSI is currently planned for 2020.

#### **2.0 Request/Action**

Section 50.54(p)(1) of Title 10 of the Code of Federal Regulations states, "The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix C of Part 73 of this chapter for affecting the actions and decisions contained in the Responsibility Matrix of the safeguards contingency plan."

Part 73 of Title 10 of the Code of Federal Regulations, "Physical Protection of Plant and Materials," provides, "This part prescribes requirements for the establishment and maintenance of a physical protection system which will have capabilities for the protection of special nuclear material at fixed sites and in transit and of plants in which special nuclear material is used." In Section 73.55, entitled "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," paragraph (b)(1) states, "The licensee shall establish and maintain a physical protection program, to include a security organization, which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety."

The NRC revised 10 CFR 73.55, in part to include the preceding language, through the issuance of a final rule on March 27, 2009. The revised regulation stated that it was applicable to all Part 50 licensees. The NRC became aware that many Part 50 licensees with facilities in decommissioning status did not recognize the applicability of this regulation to their facility. Accordingly, the NRC informed licensees with facilities in decommissioning status and other stakeholders that the requirements of 10 CFR 73.55 were applicable to all Part 50 licensees. By letter dated August 2, 2010, the NRC informed ZionSolutions of the applicability of the revised rule and that it would have to comply with the revised rule or request an exemption.

By letter dated December 2, 2010, ZionSolutions responded to the NRC's letter and requested exemptions from