

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

August 19, 1996

NRC INFORMATION NOTICE 96-47: RECORDKEEPING, DECOMMISSIONING NOTIFICATIONS
FOR DISPOSALS OF RADIOACTIVE WASTE BY LAND
BURIAL AUTHORIZED UNDER FORMER 10 CFR 20.304,
20.302, AND CURRENT 20.2002

Addressees

All U.S. Nuclear Regulatory Commission licensees.

Purpose

NRC is issuing this information notice to: (1) inform addressees of problems identified at several sites where disposals of radioactive waste by land burial were made under the authorization of former 10 CFR 20.304 and 10 CFR 20.2002 (revision to the former 10 CFR Section 20.302); (2) emphasize recordkeeping requirements of such burials; and (3) remind licensees of the submittal dates (September 15, and October 15, 1996) for compliance with "Final Rule on Timeliness in Decommissioning of Materials Facilities" (59 FR 36026, effective August 15, 1994) (hereafter called the "Timeliness Rule"). This information notice emphasizes the current NRC position on recordkeeping and notification requirements for such disposals. NRC expects that recipients will review the information for applicability to their facilities and consider actions, as appropriate, to avoid similar problems to those identified. However, suggestions contained in this information notice are not NRC requirements; therefore, no specific action or written response is required, other than as specified for compliance with the regulations described herein.

Description of Circumstances

On-site burials have been problematic for licensees during their decommissioning of sites containing such burials. A limited number of past burial sites have been required to be exhumed during decommissioning, even though the materials in these sites were disposed of in accordance with former 10 CFR 20.304 requirements. In certain cases, portions of the buried materials were required to be shipped off-site to a licensed disposal facility, before NRC released the site for unrestricted use. Based on this experience, NRC regulations now require licensees to notify NRC if they have burial sites that may require decommissioning and to maintain records of these burials.

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updated on 8/26/96

PDR I&E Notice 96-047

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Discussion

The Timeliness Rule includes requirements pertaining to buildings and outside areas that have been unused for a period of 24 months, at facilities licensed under 10 CFR Parts 30, 40, 70, and 72. Outside areas include those where disposals made pursuant to former 10 CFR 20.304, 20.302, and current 20.2002, which is the focus of this information notice. Further, this information notice reiterates the NRC position on the applicability of its present decommissioning rules. This NRC position was first stated in the Final Rule on the "General Requirements for Decommissioning Nuclear Facilities" (53 FR 24021), published June 27, 1988 (hereafter called "Decommissioning Rule"), and repeated in NRC NUREG-1444, "Site Decommissioning Management Plan."

Burial of certain quantities of radioactive waste in soil by licensees without prior Agency approval was authorized on January 29, 1959 (22 FR 548). Originally, this authorization was codified in former 10 CFR 20.304. On January 28, 1981, the Commission concluded that it was inappropriate to continue generic authorizations of burials pursuant to 10 CFR 20.304 without regard to factors such as location of burial, concentrations of radioactive material, form of packaging, and notification of NRC, and therefore NRC rescinded 10 CFR 20.304 (45 FR 71761). As of January 28, 1981, licensees wishing to perform on-site disposals of the type previously authorized under 10 CFR 20.304 were required to obtain prior NRC approval in accordance with 10 CFR 20.302. The current requirements of 10 CFR 20.2002 (revised from 10 CFR 20.302) remain in force.

The evaluations required before the Commission terminates a license or makes a regulatory decision related to disposed material were discussed in the supplemental information to the Decommissioning Rule. There, the Commission stated that it "...will take a hard look at the extent to which the site has been previously used to dispose of low-level radioactive waste by land burial and decide what remedial measures, including removal of such soil off-site, are appropriate before the site can be released for unrestricted use and the license terminated." The Timeliness Rule established specific time periods for decommissioning unused areas of an operating site and for decommissioning the entire site, on termination of operations.

This information notice describes the recordkeeping requirements for disposals authorized under former 10 CFR 20.304 and 20.302 regulations, as well as the current 10 CFR 20.2002, and the notification requirements in the Timeliness Rule for these disposal sites. Note that, in this information notice, references to 10 CFR 20.2002, also apply to previous disposals under former 10 CFR 20.302.

1. Recordkeeping

At the time of decommissioning, complete records of 10 CFR 20.304, 20.302, and Section 20.2002 disposals are necessary for NRC to evaluate the acceptability of the disposals. Each licensee is required, per 10 CFR 20.2108, to maintain records of disposals made under 10 CFR 20.2002, and to preserve such records until the Commission terminates the license requiring these records. Former 10 CFR 20.401(c)(3) stated that records of disposals made pursuant to 10 CFR Section 20.302, and 20.304 should be maintained until the Commission authorizes their disposition. In addition, the final rule on "Decommissioning Recordkeeping and License Termination: Documentation Additions," issued July 26, 1993 (58 FR 39628), requires a single document listing (1) all areas outside restricted areas where current and previous wastes have been buried, (as documented under 10 CFR Section 20.2108); and (2) other information necessary to ensure that decommissioning is carried out in accordance with the Commission's regulations. This rule is applicable to licenses issued under 10 CFR Parts 30, 40, 70, and 72. See 10 CFR 30.35(g)(3), 40.46(f)(3), Part 70.25(g)(3), and 72.30(d)(3).

At present, 10 CFR 20.2002 states that the licensee must apply to the Commission for approval of proposed procedures to dispose of licensed material in a manner not otherwise authorized in 10 CFR Part 20. The former 10 CFR 20.302 required this also. After the application is approved by NRC, records of actual 10 CFR 20.2002 disposals must be maintained per 10 CFR 20.2108. These records should be sufficient to demonstrate compliance with the approved procedures contained in the application.

Pursuant to the former 10 CFR 20.401 requirements, the records of disposals performed under former 10 CFR 20.304 were required. The following requirements were placed on burials made under 10 CFR 20.304:

1. the total quantity of licensed and other radioactive material buried at any one location and time does not exceed, at the time of burial, 1000 times the amount specified in Appendix C to Part 20;
2. the burial is at a minimum depth of four feet, and
3. successive burials are separated by distances of at least 6 feet and not more than 12 burials are made in any year.

NRC expects that licensees who disposed of radioactive waste in accordance with Section 20.304, 20.302, and 20.2002, comply with the applicable recordkeeping requirements. Further, if the NRC determines that the minimum

records required for disposals that may pose a significant risk to the public after release have not been kept, the licensee may then be expected to characterize the disposal sites by compiling the necessary information (e.g., sampling and survey data). The acceptability of the timing and extent of characterization will be determined by the NRC on a case-by-case basis.

2. Decommissioning

Disposals made pursuant to former 10 CFR 20.304, 20.302, and current 20.2002 at facilities licensed under 10 CFR Parts 30, 40, 70, and 72, and that have been unused for NRC licensed operations for a period of 24 months, are subject to the requirements of the Timeliness Rule. For timing provisions see 10 CFR 30.36(d), 40.42(d), 70.38(d), and 72.54(d). The following guidance was provided in the Timeliness Rule, "Statements of Consideration" (59 FR 36033):

VII Implementation

The timing provisions of this rule begin on the effective date. Thus, licensees that currently have unused facilities at the time of publication of the final rule would not need to submit notifications required by this rule earlier than 2 years after the rule becomes effective. This provides these licensees with the same period of time (2 years) in which to determine whether the unused facility would be put into use again or submit notification as required by the rule.

Therefore, licensees who have unused outside areas (i.e., burial areas) that contain elevated levels of licensed radioactive materials, and have declared that licensed operations have ceased in those areas, are subject to the Timeliness Rule. In addition, for an outside area (i.e., burial area) that has been unused for NRC licensed operations for a period of 24 months prior to August 15, 1996, the licensee should:

1. No later than October 15, 1996, notify NRC of the above and either:
(1) begin decommissioning; or (2) submit, within 12 months of notification, a decommissioning plan, if required by the regulations; or
2. Submit a request to extend the above time periods by no later than September 15, 1996, in accordance with the provisions of the rule.

When notifying NRC, as stated above, the licensee should specify the type of outside area that is being considered for decommissioning (storage area, Section 20.304 burial, land application, etc.).

During decommissioning, NRC will evaluate disposals authorized under former Section 20.304, 20.302, and current 20.2002 to determine their potential impact on the health and safety of the public. The acceptability of a disposal will depend on two factors: (1) the potential for the disposed material to migrate and significantly contaminate the groundwater; and (2) the potential for significant exposure to members of the public who may, at some time in the future, develop and use the disposal site for a private residence, farm, business, or other purpose.

The NRC staff is currently developing a methodology that can be used to determine the acceptability of prior burials. This methodology will be used as a screening tool to determine which burial sites have the greatest potential to impact public health and safety. This screening tool will be based on the total activity disposed of in the burial ground and the potential for that activity to produce a significant dose to a member of the public. Staff will require no further effort on sites that pass this screening. Those sites that do not pass the screening would require more detailed environmental pathway analysis. This may require site characterization information and a dose assessment. The staff will consider the magnitude of the projected dose, and existing radiological criteria for decommissioning, to determine in conjunction with the objective of keeping residual contamination levels as low as reasonably achievable if the waste may pose a significant risk to the public and if the burial requires remediation. This methodology will be completed and distributed for use by the licensees prior to September 15, 1996.

Currently NRC does not have a list of sites that contain former 10 CFR 20.304 burials. Therefore, it would be beneficial for licensees affected by this notice, to notify the staff that it is in possession of a burial site, by the October 15, 1996 deadline, even though many of those sites will not need to be remediated. In the alternative, NRC will acquire this information during routine inspections. Once the licensee has notified NRC, it can then use the screening methodology to determine if its burial site requires further action. If the burial site passes the screening method, the licensee would notify NRC that the site passed and would not need to take further action. If the site does not pass, then the licensee would have to further assess the prior burial through site characterization and/or radiological surveys and potentially submit a decommissioning plan and proceed with decommissioning in accordance with NRC's existing requirements.

This information notice requires no specific action or written response. However, licensees must comply with the notification requirements in the Timeliness Rule as stated above. As stated in NRC's revised enforcement policy (NUREG-1600), failure to meet requirements in the Timeliness Rule can be classified as a Severity Level III violation and subject to a civil penalty. Licensees who notify NRC should provide such notices to the appropriate offices listed in Sections 30.6, 40.5, 70.5, and 72.4 of the regulations. If you have any questions about the information in this notice, please contact the technical contacts listed below or the appropriate regional office.

Margaret V. Federline

Margaret V. Federline, Acting Director
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Technical contacts: David N. Fauver, NMSS
(301) 415-6625
E-mail: dnf@nrc.gov

Heather M. Astwood, NMSS
(301) 415-5819
E-mail: hma@nrc.gov

Attachments:

1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices

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LIST OF RECENTLY ISSUED
NMSS INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
96-35	Failure of Safety Systems on Self-Shielded Irradiators Because of Inadequate Maintenance and Training	06/11/96	All U.S. Nuclear Regulatory Commission irradiator licensees and vendors
96-33	Erroneous Data from Defective Thermocouple Results in a Fire	05/224/96	All material and fuel cycle licensees that monitor temperature with thermocouples
96-28	Suggested Guidance Relating to Development and Implementation of Corrective Action	05/01/96	All material and fuel cycle licensees
96-21	Safety Concerns Related to the Design of the Door Interlock Circuit on Nucletron High-Dose Rate and Pulsed Dose Rate Remote Afterloading Brachytherapy Devices	04/10/96	All NRC Medical Licensees authorized to use brachytherapy sources in high- and pulsed-dose-rate remote
96-20	Demonstration of Associated Equipment Compliance with 10 CFR 34.20	04/04/96	All industrial radiography licensees and radiography equipment manufacturers
96-18	Compliance With 10 CFR Part 20 for Airborne Thorium	03/25/96	All material licensees authorized to possess and use thorium in unsealed form
96-04	Incident Reporting Requirements for Radiography Licensees	01/10/96	All Radiography Licensees and Manufacturers of Radiography Equipment
95-58	10 CFR 34.20; Final Effective Date	12/18/95	Industrial Radiography Licensees.
95-55	Handling Uncontained Yellowcake Outside of a Facility Processing Circuit	12/6/95	All Uranium Recovery Licensees.

LIST OF RECENTLY ISSUED
NRC INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
96-46	Zinc Plating of Hardened Metal Parts and Removal of Protective Coatings in Refurbished Circuit Breakers	08/12/96	All holders of OLs or CPs for nuclear power reactors
96-45	Potential Common-Mode Post-Accident Failure of Containment Coolers	8/12/96	All holders of OLs or CPs for nuclear power reactors
96-44	Failure of Reactor Trip Breaker from Cracking of Phenolic Material in secondary contact assembly	8/05/96	All holders of OLs or CPs for nuclear power reactors
96-43	Failures of General Electric Magne-Blast Circuit Breakers	08/02/96	All holders of OLs or CPs for nuclear power reactors
96-42	Unexpected Opening of Multiple Safety Relief Valves	08/05/96	All holders of OLs or CPs for nuclear power reactors
96-41	Effects of a Decrease in Feedwater Temperature on Nuclear Instrumentation	07/26/96	All holders of OLs or CPs for pressurized water reactors
96-40	Deficiencies in Material Dedication and Procurement Practices and in Audits of Vendors	07/25/96	All holders of OLs or CPs for nuclear power reactors
96-09, Supp. 1	Damage in Foreign Steam Generator Internals	07/10/96	All holders of OLs or CPs for pressurized-water reactors
96-39	Estimates of Decay Heat Using ANS 5.1 Decay Heat Standard May Vary Signi- ficantly	07/05/96	All holders of OLs or CPs for nuclear power reactors

OL = Operating License
CP = Construction Permit

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

June XX, 1996

NRC INFORMATION NOTICE 96-XX: RECORDKEEPING, DECOMMISSIONING NOTIFICATIONS FOR DISPOSALS AUTHORIZED UNDER FORMER 10 CFR 20.304, 20.302, AND CURRENT 20.2002

Addressees:

All U.S. Nuclear Regulatory Commission licensees.

Purpose:

NRC is issuing this information notice to: (1) inform addressees of problems identified at several sites where disposals were made under the authorization of former 10 CFR 20.304 and 10 CFR 20.2002 (revision to the former 10 CFR Section 20.302); (2) emphasize recordkeeping requirements; and (3) remind licensees of the submittal dates (September 15, and October 15, 1996) for compliance with "Final Rule on Timeliness in Decommissioning of Materials Facilities" (59 FR 36026, effective August 15, 1994) (hereafter called the "Timeliness Rule"). This information notice emphasizes the current NRC position on recordkeeping and notification requirements for such disposals. NRC expects that recipients will review the information for applicability to their facilities and consider actions, as appropriate, to avoid similar problems to those identified. However, suggestions contained in this information notice are not new NRC requirements; therefore, no specific action or written response is required, other than as specified for compliance with the regulations described herein.

Description of Circumstances:

On-site burials have been problematic during the decommissioning of a number of sites containing such burials. A limited number of past burial sites have been required to be exhumed during decommissioning, even though the materials in these sites were disposed of in accordance with former 10 CFR 20.304 requirements. In certain cases, portions of the buried materials were required to be shipped off-site to a licensed disposal facility, before NRC released the site for unrestricted use. Based on this experience, NRC regulations now require licensees to notify NRC if they have burial sites that may require decommissioning and to maintain records of these burials.

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Discussion:

The Timeliness Rule includes requirements pertaining to buildings and outside areas that have been unused for a period of 24 months, at facilities licensed under 10 CFR Parts 30, 40, 70, and 72. Outside areas include disposals made pursuant to former 10 CFR 20.304, 20.302, and current 20.2002, which is the focus of this information notice. Further, this information notice reiterates the NRC position on the applicability of its present decommissioning rules. This NRC position was first stated in the Final Rule on the "General Requirements for Decommissioning Nuclear Facilities" (53 FR 24021), published June 27, 1988 (hereafter called "Decommissioning Rule"), and repeated in NRC NUREG-1444, "Site Decommissioning Management Plan."

Burial of certain quantities of radioactive waste in soil without prior approval was authorized on January 29, 1959 (22 FR 548). Originally, this authorization was codified in former 10 CFR 20.304. On January 28, 1981, the Commission concluded that it was inappropriate to continue generic authorizations of burials pursuant to 10 CFR 20.304 without regard to factors such as location of burial, concentrations of radioactive material, form of packaging, and notification of NRC, and therefore NRC rescinded 10 CFR 20.304 (45 FR 71761). As of January 28, 1981, licensees wishing to perform on-site disposals of the type previously authorized under 10 CFR 20.304 were required to obtain prior NRC approval in accordance with 10 CFR 20.302. The current requirements of 10 CFR 20.2002 (revised from 10 CFR 20.302) remain in force.

The evaluations required before the Commission terminates a license or makes a regulatory decision related to disposed material were discussed in the supplemental information to the Decommissioning Rule. There, the Commission stated that it "...will take a hard look at the extent to which the site has been previously used to dispose of low-level radioactive waste by land burial and decide what remedial measures, including removal of such soil off-site, are appropriate before the site can be released for unrestricted use and the license terminated." The Timeliness Rule established specific time periods for decommissioning unused areas of an operating site and for decommissioning the entire site, on termination of operations.

This information notice describes the recordkeeping requirements for disposals authorized under former 10 CFR 20.304 and 20.302 regulations, as well as the current 10 CFR 20.2002, and the notification requirements in the Timeliness Rule for these disposal sites. Note that, in this information notice, references to 10 CFR 20.2002, also apply to previous disposals under former 10 CFR 20.302.

Attachment

1. Recordkeeping

At the time of decommissioning, complete records of 10 CFR 20.304, 20.302, and Section 20.2002 disposals are necessary for NRC to evaluate the acceptability of the disposals. Each licensee is required, per 10 CFR 20.2108, to maintain records of disposals made under 10 CFR 20.2002, and to preserve such records until the Commission terminates the license requiring these records. Former 10 CFR 20.401(c)(3) stated that records of disposals made pursuant to 10 CFR Section 20.302, and 20.304 should be maintained until the Commission authorizes their disposition. In addition, the final rule on "Decommissioning Recordkeeping and License Termination: Documentation Additions," issued July 26, 1993 (58 FR 39628), requires a single document listing (1) all areas outside restricted areas where current and previous wastes have been buried, as documented under 10 CFR Section 20.2108; and (2) other information necessary to ensure that decommissioning is carried out in accordance with the Commission's regulations. This rule is applicable to licenses issued under 10 CFR Parts 30, 40, 70, and 72. See 10 CFR 30.35(g)(3), 40.46(f)(3), Part 70.25(g)(3), and 72.30(d)(3).

At present, 10 CFR 20.2002 states that the licensee must apply to the Commission for approval of proposed procedures to dispose of licensed material in a manner not otherwise authorized in 10 CFR Part 20. The former 10 CFR 20.302 required this also. After the application is approved by NRC, records of actual 10 CFR 20.2002 disposals must be maintained per 10 CFR 20.2108. These records should be sufficient to demonstrate compliance with the approved procedures contained in the application.

Pursuant to the former 10 CFR 20.401 requirements, the records of disposals performed under former 10 CFR 20.304 were required. The following requirements were placed on burials made under 10 CFR 20.304:

1. the total quantity of licensed and other radioactive material buried at any one location and time does not exceed, at the time of burial, 1000 times the amount specified in Appendix C to Part 20;
2. the burial is at a minimum depth of four feet, and
3. successive burials are separated by distances of at least six feet and not more than 12 burials are made in any year.

NRC expects compliance with the applicable recordkeeping requirements for Section 20.304, 20.302, and 20.2002 disposals. Further, licensees that NRC has identified by NRC as not having the minimum records required for disposals that may pose a significant risk to the public after release, have been

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expected to characterize the disposal sites by compiling the necessary information (e.g., sampling and survey data). The timing and extent of characterization will be determined on a case-by-case basis.

2. Decommissioning

Disposals pursuant to former 10 CFR 20.304, 20.302, and current 20.2002 at facilities licensed under 10 CFR Parts 30, 40, 70, and 72, and that have been unused for NRC licensed operations for a period of 24 months, are subject to the requirements of the Timeliness Rule. For timing provisions see 10 CFR 30.36(d), 40.42(d), 70.38(d), and 72.54(d). The following guidance was provided in the Timeliness Rule, "Statements of Consideration" (59 FR 36033):

VII Implementation

The timing provisions of this rule begin on the effective date. Thus, licensees that currently have unused facilities at the time of publication of the final rule would not need to submit notifications required by this rule earlier than 2 years after the rule becomes effective. This provides these licensees with the same period of time (2 years) in which to determine whether the unused facility would be put into use again or submit notification as required by the rule.

Therefore, licensees who have unused buildings or outside areas that contain elevated levels of licensed radioactive materials, and have declared that licensed operations have ceased in those areas, are subject to the Timeliness Rule. In addition, for a building or outdoor area (i.e., burials) that has been unused for NRC licensed operations for a period of 24 months prior to August 15, 1996, the licensee should:

1. No later than October 15, 1996, notify NRC of the above and either:
(1) begin decommissioning; or (2) submit, within 12 months of notification, a decommissioning plan, if required by the regulations; or
2. Submit a request to extend the above time periods by no later than September 15, 1996, in accordance with the provisions of the rule.

When notifying NRC, as stated above, the licensee should specify the type of outside area that is being considered for decommissioning (storage area, Section 20.304 burial, land application, etc.).

During decommissioning, NRC evaluates disposals authorized under former Section 20.304, 20.302, and current 20.2002 to determine their potential

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impact on the health and safety of the public. The acceptability of a disposal depends on two factors: 1) the potential for the disposed material to migrate and significantly contaminate the groundwater; and 2) the potential for significant exposure to members of the public who may, at some time in the future, develop and use the disposal site for a private residence, farm, business, or other purpose.

The NRC staff is currently developing a methodology that can be used to determine the acceptability of prior burials. This methodology will be used as a screening tool to determine which burial sites have the greatest potential to impact public health and safety. This screening tool will be based on the total activity disposed of in the burial ground and the potential for that activity to produce a significant dose to a member of the public. Staff will require no further effort on sites that pass this screening. Those sites that do not pass the screening would require more detailed environmental pathway analysis. This may require site characterization information and a dose assessment. The staff will consider the magnitude of the projected dose, and existing radiological criteria for decommissioning, to determine in conjunction with the objective of keeping residual contamination levels as low as reasonably achievable if the waste may pose a significant risk to the public and if the burial requires remediation. This methodology will be completed and distributed for use by the licensees prior to September 15, 1996.

Currently NRC does not have a list of sites that contain former 10 CFR 20.304 burials. Therefore, it would be beneficial for a licensee to notify the staff that it is in possession of a burial site, by the October 15, 1996 deadline, even though many of those sites will not need to be remediated. In the alternative, NRC will acquire this information during routine inspections. Once the licensee has notified NRC, it can then use the screening methodology to determine if its burial site requires further action. If the burial site passes the screening method, the licensee would notify NRC that the site passed and would not need to take further action. If the site does not pass, then the licensee would have to further assess the prior burial through site characterization and/or radiological surveys and potentially submit a decommissioning plan and proceed with decommissioning in accordance with NRC's existing requirements.

This information notice requires no specific action or written response. However, licensees must comply with the notification requirements in the Timeliness Rule as stated above. As stated in NRC's revised enforcement policy (NUREG 1600), failure to meet requirements in the Timeliness Rule can be classified as a Severity Level III violation and subject to a civil penalty. If you have any questions about the information in this notice,

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please contact the technical contact listed below or the appropriate regional office.

Margaret V. Federline, Acting Director
Division of Waste Management
Office of Nuclear Material Safety and
Safeguards

Technical contacts: David N. Fauver, NMSS
(301) 415-6625
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Heather M. Astwood, NMSS
(301) 415-5819
Internet: hma@nrc.gov

Attachments:

1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices

Attachment

total activity disposed of burial ground and the potential for that activity to produce a significant dose to a member of the public. Staff will require no further effort on sites that pass this screening. Those sites that do not pass the screening method would require more detailed environmental pathway analysis. This may require site characterization information and a dose assessment. The staff will consider the magnitude of the projected dose, and existing radiological criteria for decommissioning to determine, in conjunction with the objectives of keeping residual contamination levels ALARA, to determine if the waste may pose a significant risk to the public and the burial requires remediation. This methodology will be completed and distributed for use by the licensees prior to September 15, 1996.

NRC does not currently have a list of sites that contain former 10 CFR 20.304 burials. It would therefore be beneficial for licensees to notify the staff that they are in possession of a burial site by the October 15, 1996 deadline, even though many of those sites will not need to be remediated. Once the licensees have notified the NRC, they can then use the screening methodology to determine if their burial site requires further action. If the burial site passes the screening method, the licensee would notify NRC that the site passed and would not need further action. If the site does not pass, then the licensee would have to submit a decommissioning plan and proceed with decommissioning in accordance with NRC's existing requirements.

This information notice requires no specific action or written response. However, licensees must comply with the notification requirements in the "Final Rule on Timeliness in Decommissioning," as stated above. Failure to meet requirements in the Timeliness Rule can be classified as a Severity Level III violation. If you have any questions about the information in this notice, please contact the technical contact listed below or the appropriate regional office.

Margaret V. Federline, Acting Director
Division of Waste Management
Office of Nuclear Materials Safety and
Safeguards

Technical contact: David N. Fauver, NMSS
(301) 415-6625
Internet: dnf@nrc.gov

Heather M. Astwood, NMSS
(301) 415-5819
Internet: hma@nrc.gov

Attachments:

1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices

CONCURRENCE

SUBJECT: Information Notice 96-____, "Recordkeeping and Decommissioning Notifications for Disposals Authorized under Former 10 CFR 20.304, 20.302, and current 20.304"

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* See previous concurrence

OFC	DWM		DWM		DWM		DWM		OGC	
NAME	HAstwood *		PSobel *		RNelson *		MWeber *		STreby *	
DATE	6/10/96		6/10/96		6/11/96		6/17/96		6/18/96	
OFC	IMNS		NRR		DWM					
NAME	DCool *		CMiller *		MFederline					
DATE	6/19/96		6/18/96		/ /96				/ /	

C = COVER

E = COVER & ENCLOSURE

N = NO COPY

radiological criteria for decommissioning to determine, in conjunction with the objectives of keeping residual contamination levels ALARA, if the waste may pose a significant risk to the public and the burial therefore requires remediation. This methodology will be completed and distributed for use by the licensees prior to September 15, 1996.

Once both the information notice and the methodology are issued, the licensees should be: 1) informed of the requirements in the rule; 2) have sufficient time to notify NRC by the October 15, 1996 deadline; and 3) have a methodology to determine if they need to submit a decommissioning plan by the next deadline (12 months after notification). In addition NRC staff will only have to review on a case-by-case basis, the sites that do not pass the screening method. Limited resources are included in the FY 96-97 budget to support these reviews.

A second generic communication will be sent to all licensees providing additional information related to the application of the Timeliness Rule to activities in addition to on-site burials that were not included in this Information Notice.

This information notice is necessary to ensure licensees are aware of the schedule contained in the rule so that they can comply with the notification requirements in a timely fashion. The staff intends to issue this IN within 10 days of the date of this letter unless otherwise directed by the Commission.

SECY please track.

Attachment: Draft NRC Information Notice 96-XX:
Recordkeeping and Decommissioning for
Disposals Authorized Under
10 CFR 20.304 and 20.2002.

cc: OGC
OCA
SECY
OPA

DISTRIBUTION: *w or *w/o att
Central File LLDP r/f JGreeves MFederline JAustin
JHolonich NMSS r/f DWM t/f MBell LBell
RNelson TCJohnson PUBLIC

DOCUMENT NAME:s:\dwm\lldp\onsite.mem *See Previous concurrence

OFC	LLDP		LLDP		LLDP		LLDP		OGC	
NAME	HAstwood *		EKraus *		PSobel *		RNelson *		RFonner *	
DATE	6/14/96		6 /14/96		6/14/96		6/14/96		6/24/96	
OFC	DWM		NMSS		NMSS		DEDO		EDO	
NAME	MFederline*		JGreeves *		CPaperiello *		HLTompson		JNTaylor	
DATE	6/17/96		6/19/96		6/19/96		7/3/96		7/3/96	

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ACNW: YES ☐ NO ☐
IG : YES ☐ NO ☐
LSS : YES ☐ NO ☐

Delete file after distribution: Yes ☐ No ☐

3

remediated. Once the licensees have notified the NRC, they can then use the screening methodology to determine if their burial site requires further action. If the burial site passes the screening method, the licensee would notify NRC that the site passed and would not need further action. If the site does not pass, then the licensee would have to submit a decommissioning plan in accordance with the rule.

This information/notice is necessary to ensure licensees are aware of the schedule contained in the rule so that they can comply with the notification requirements in a timely fashion. The staff intends to issue this ~~in~~ ^{ten} 10 days of the date of this letter unless otherwise directed by the Commission.

Attachment: Information Notice

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DOCUMENT NAMEs: \dwm\lldp\hwa\onsite.men

OFC	LLDP		LLDP		LLDP		LLDP		OGC	
NAME	Hastwood		EKraus		PSobel		RNelson		RFonner	
DATE	/ /96		6/14/96		/ /96		/ /96		/ /96	
OFC	DWH		NMSS		NMSS		DEDO		EDO	
NAME	MFederline		JGreaves		CPaperillo		HLThompson		JMTaylor	
DATE	/ /96		/ /96		/ /96		/ /96		/ /96	

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ACW: YFS ☐ NO ☐
IG : YES ☐ NO ☐
LSS : YES ☐ NO ☐

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the waste may pose a significant risk to the public and the burial requires remediation. This methodology will be completed and distributed for use by the licensees prior to September 15, 1996.

Once both the information notice and the methodology are issued, the licensees should be: 1) informed of the requirements in the rule; 2) have sufficient time to notify NRC by the October 15, 1996 deadline; and 3) have a methodology to determine if they need to submit a decommissioning plan by the next deadline (12 months after notification). In addition NRC staff will only have to review on a case-by-case basis, the sites that do not pass the screening method. Limited resources are included in the FY 96-97 budget to support these reviews.

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Attachment: NRC Information Notice 96-XX:
Recordkeeping and Decommissioning for
Disposals Authorized Under
10 CFR 20.304 and 20.202.

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OFC	LLDP		LLDP		LLDP		LLDP		OGC
NAME	HAstwood *		EKraus *		PSobel *		RNelson *		RFonner
DATE	6/14/96		6 /14/96		6/14/96		6/14/96		6 /24/96
OFC	DWM		NMSS		NMSS		DEDO		EDO
NAME	MFederline*		JGreeves *		CPaperiello *		HLThompson		JMTaylor
DATE	6/17/96		6/17/96		6/17/96		/ /96		/ /96

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ACNW: YES ☐ NO ☐
IG : YES ☐ NO ☐
LSS : YES ☐ NO ☐

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OFC	LLDP		LLDP		LLDP		LLDP		OGC	
NAME	HAstwood *		EKraus *		PSobel *		RNelson *		RFonner	
DATE	6/14/96		6 /14/96		6/14/96		6/14/96		/ /96	
OFC	DWM		NMSS		NMSS		DEDO		EDO	
NAME	MFederline*		JGreeves		CPaperello		HLThompson		JMTaylor	
DATE	6/17/96		6 /17/96		6 /17/96		/ /96		/ /96	

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ACNW: YES ☐ NO ☐
IG : YES ☐ NO ☐
LSS : YES ☐ NO ☐

Delete file after distribution: Yes ☐ No ☐

The Commissioners

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OFC	LLDP		LLDP		LLDP		LLDP		OGC	
NAME	HAstwood *		EKraus *		PSobel *		RNelson *		RFonner	
DATE	6/14/96		6 /14/96		6/14/96		6/14/96		/ /96	
OFC	DWM		NMSS		NMSS		DEDO		EDO	
NAME	MFederline		JGreeves		CPaperiello		HLThompson		JMTaylor	
DATE	6/17/96		/ /96		/ /96		/ /96		/ /96	

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LSS : YES ☐ NO ☐

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determine if they need to submit a decommissioning plan by the next deadline (12 months after notification). In addition NRC staff will only have to review on a case-by-case basis, the sites that do not pass the screening method.

NRC does not currently have a list of sites which contain 10 CFR 20.304 burials. It would therefore be beneficial for licensees to notify the staff that they are in possession of a burial site by the October 15, 1996 deadline even though many of those sites will not need to be remediated. Once the licensees have notified the NRC, they can then use the screening methodology to determine if their burial site requires further action. If the burial site passes the screening method, the licensee would notify NRC that the site passed and would not need further action. If the site does not pass, then the licensee would have to submit a decommissioning plan in accordance with the rule.

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OFC	LLDP		LLDP		LLDP		LLDP		OGC	
NAME	HAstwood *		EKraus *		PSobel *		RNelson		RFonner	
DATE	6/14/96		6/14/96		6/14/96		6/14/96		/ /96	
OFC	DWM		NMSS		NMSS		DEDO		EDO	
NAME	MFederline		JGreeves		CPaperiello		HLThompson		JMTaylor	
DATE	/ /96		/ /96		/ /96		/ /96		/ /96	

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DOCUMENT NAME:s:\dwm\lldp\hma\onsite.mem

OFC	LLDP		LLDP		LLDP		LLDP		OGC	
NAME	HAstwood <i>HA</i>		EKraus		PSobel <i>P.A.</i>		RNelson		RFonner	
DATE	6/14/96		/ /96		6/14/96		/ /96		/ /96	
OFC	DWM		NMSS		NMSS		DEDO		EDO	
NAME	MFederline		JGreeves		CPaper <i>10</i>		HLThompson		JMTaylor	
DATE	/ /96		/ /96		/ /96		/ /96		/ /96	

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