

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR

12/7/92

date

initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION  
FROM: THE CHAIRMAN  
SUBJECT: SECY-92-238 - FINAL TECHNICAL POSITION ON  
ALTERNATE CONCENTRATION LIMITS FOR TITLE II  
URANIUM MILLS

APPROVED ✓ <sup>(N 0005)</sup> <sup>WITHDRAWN</sup> DISAPPROVED ✓ <sup>IN SMALL</sup> <sup>part</sup> ABSTAIN \_\_\_\_\_

NOT PARTICIPATING \_\_\_\_\_ REQUEST DISCUSSION \_\_\_\_\_

COMMENTS:

9212110206 920813  
PDR COMMS NRCC  
CORRESPONDENCE PDR

alicki  
SIGNATURE

RELEASE VOTE ☒

WITHHOLD VOTE ☐

5/31/92  
DATE

ENTERED ON "AS" YES ✓ No \_\_\_\_\_ 090060

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CHAIRMAN SELIN'S COMMENTS ON SECY-92-238

I approve the issuance of the staff's proposed final technical position on alternate concentration limits for Title II uranium mills, subject to the changes described below. I commend the staff for a well-done paper on a subject that is obviously both important and complex. I agree with the staff strategy of making best use of the regulatory foundation in this area established by EPA.

However, it is inappropriate to establish binding decommissioning standards in the context of a staff technical position document such as this. Therefore, without making a judgement as to the propriety of EPA's risk guidelines for ACL evaluation, I believe that it is premature to adopt EPA's ACL risk guidelines for hazardous waste sites as binding on this agency at this time. On the other hand, since the EPA risk guidelines are established Federal standards, albeit only for hazardous waste sites, and since we lack any established standard of our own for these particular circumstances, I have no objection to their use as relevant guidelines for the review of ACL proposals submitted by our licensees.

I would adopt an approach which provides that ACL proposals by licensees, with appropriate justification, which fall within the EPA risk guidelines be deemed acceptable. In doing so, I would also preserve our regulatory flexibility by stipulating that higher risks might also be deemed acceptable under certain conditions. Such conditions could include mitigating circumstances that would make it unlikely that such risks would ever be actually incurred on a long term basis, or the relationship of the incremental risk to the overall risk environment already present. I believe that such proposals from licensees should be decided on a case-by-case basis, considering all the relevant factors in an integrated fashion, without predetermining hard and fast upper or lower risk limits.

I am also concerned about the possibility that ACLs based on a point of exposure (POE) distant from the point of compliance (POC) might block eventual site transfer to the State or Federal government. Although the staff guidance would require "written assurance" of eventual property acceptance, there are pitfalls which the guidance does not address. These include the need for binding pre-determination of whether the State or Federal government will be the eventual site custodian, and the need for a reliable commitment from that party. Until such time as the mechanisms for making such arrangements are fully in place, and the Commission is so informed, I do not approve the issuance of ACLs which would require transfer of lands beyond those actually used for disposal of AEA section 11e.(2) byproduct material (other than those lands necessary to accomodate the design features of the erosion control system, site boundary monitoring

stations, and reasonable extensions necessary to include site terrain features, perimeter roadways, et cetera).