

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR

2/4/93

date

Initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER CURTISS

SUBJECT: SECY-92-356 - FINAL RULE, AMENDMENTS TO 10  
CFR PARTS 30, 40, 70, AND 72, "DECOMMISSIONING  
RECORDKEEPING AND LICENSE TERMINATION:  
DOCUMENTATION ADDITIONS"

APPROVED X/with  
comments DISAPPROVED \_\_\_\_\_ ABSTAIN \_\_\_\_\_

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

COMMENTS:

See attached comments.

9302100427 921204  
PDR COMMS NRCC  
CORRESPONDENCE PDR

RELEASE VOTE

☒

WITHHOLD VOTE

☐

ENTERED ON "AS" YES ☒ NO \_\_\_\_\_

Sam R. Luteri  
SIGNATURE

December 4, 1992

DATE

DF02/1

Commissioner Curtiss' comments on SECY-92-356:

While I agree with the staff's general approach in the recommended final rule to focus on the minimum essential documentation, the following comments should be addressed before publication:

- 1) The final rule deletes a proposed provision that would have required licensees to list all burials in the single document and instead requires licensees to list -

All areas outside of restricted areas which contain material so that, if the license expired, the licensee would be required to either decontaminate the area to unrestricted release levels or apply for approval for disposal under 10 CFR 20.302 or 20.2002 (emphasis added).

Because there are no codified requirements to determine whether decontamination and disposal are required, the "requirements" would have to be in the existing licenses or orders. Such requirements are currently being established on a site-specific basis for the SDMP sites. On page 9 of the notice (Enclosure 2), staff indicates that the requirements are the NRC's most current criteria and that rulemaking to establish residual radioactivity limits is underway. I believe that this provision should be deferred until the residual radioactivity rulemaking effort is completed. Alternatively, staff should consider rulemaking to impose standard license conditions or issuing orders to be sure that there are "requirements" in place to implement this provision before it is issued.

- 2) I recommend that the proposed requirement to list burials be retained. However, the proposed requirement would have required listing "[a]ll known locations and radionuclide contents of previous and current burial areas within the site." In keeping with the approach to minimize duplication, the requirement to include "radionuclide contents" in the list should be deleted or modified by allowing reference to separate records for details on burials.
- 3) The package repeatedly indicates that only areas where sources that are not leaking are exempted, but the rule itself does not reflect this intent. The rule should indicate that areas are exempt, provided that the sealed sources have not leaked. Areas where sources have leaked would then be captured by the spills or other unusual occurrences provisions of 10 CFR 30.35(g)(1) and similar provisions.