

# NOTATION VOTE

## RESPONSE SHEET

RELEASED TO THE PDR

2/4/93

date

q

Initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER DE PLANQUE

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(in part) DISAPPROVED X (in part) ABSTAIN \_\_\_\_\_

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

COMMENTS: See attached comments.

9302100445 921203  
PDR COMMS NRCC  
CORRESPONDENCE PDR

E. Gal de Planque  
SIGNATURE

RELEASE VOTE XX

December 3, 1992

DATE

WITHHOLD VOTE   

ENTERED ON "AS" YES X No   

DR2

Commissioner de Planque's Comments on SECY-92-356, Final Rule,  
Amendments to 10 CFR Parts 30, 40, 70, and 72, "Decommissioning  
Recordkeeping and License Termination: Documentation Additions"

I approve in part and disapprove in part with the following  
comments and edits.

The background and summary sections of the FR notice state that  
this rule would not apply to areas where only sealed sources were  
use provided they have not leaked or if they had leaked, no  
contamination remained after cleanup. The clarifications were not  
added to the text of the rule. The wording in parts 30 and 70  
(30.35(g)(3) and 70.35(g)(3)) should be revised to clearly state:  
"Except for areas containing only sealed sources (provided the  
sources have not leaked or no contamination remains after cleanup  
of any leak), or byproduct materials having only half-lives of  
less than 65 days...".

The rule is unclear as to what level of detail these lists are to  
contain. For example, is NRC asking for building name and  
number, room number, geographic coordinates, address, dates used,  
if decontaminated - when, what nuclide(s) was (were) used in  
which rooms, etc.? Since the rule is ambiguous on the level of  
detail, a statement that guidance on the level of specificity of  
information being required will be developed should be placed in  
the supplementary information section to the rule, perhaps in the  
background section.

I do not agree with dropping the requirement to list current and old burial sites within a site simply because this is information that is required by the new Part 20. Since the whole purpose of this exercise is to consolidate the information "in one document", and because the rule requires a listing of other information which is already required by other regulations, I see no reason to exclude old and current burial sites within the site boundaries. Old burial sites may present NRC with major challenges in some of our cleanup actions, and thus including their locations in this listing seems appropriate. It should not require a major expenditure of time to include a copy of the listing compiled for the Part 20 provision.

Enclosure 7, items 4 and 9 (the OMB FR notice) should be revised (see attached) to more fully describe the information collection requirements.

Further, it appears as if we have been requested over the past several months to review a number of actions pertaining to decommissioning. And there are several yet to come. I believe this would be an opportune time for NRC to pause and take a look at the decommissioning program as a whole, the direction the agency is headed and how the NRC intends to achieve its goals in the program. This includes examining resources, what pieces of the program are missing, what kind of guidance needs to be developed, impacts in other areas (such as low level waste), NRC's role in coordination with other agencies, etc. It is my

understanding that a decommissioning management plan is being developed, and I believe that it would be appropriate that the Commission be given the opportunity to review and discuss the plan.

4. How often is the collection required: Initial update of the decommissioning listing and then no later than once every 2 years until termination of license. For those licensees requiring approval of a decommissioning plan, one-time submittal of a list of certain equipment to be left onsite at license termination. *this list of areas and*
5. Who will be required or asked to report: 10 CFR 30, 40, 70, and 72 NRC licensees and Agreement State licensees except those who possess only non-leaking sealed sources, or byproduct material with half-life of less than 65 days, or depleted uranium used only for shielding or as penetrators in unused munitions.
6. An estimate of the number of respondents: Approximately 3,309 of the approximately 23,500 NRC and Agreement State licensees will maintain the decommissioning listing documentation. An average of 19 licensees annually will submit the list as part of their decommissioning plan. An average of 22 licensees annually will submit the equipment list at license termination.
7. An estimate of the number of hours annually needed to complete the requirement or request: 5 initial list, 1 every 2-year duration.  
Note: Duration of license is for 5 years resulting in a 5-hour average total response effort (5 hours initial list plus 5 hours for 10 years, averaged over 10 years and multiplied by 5).

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies:  
Not Applicable.

9. Abstract: The final rule would require materials licensees (exempting the ones who possess sealed sources or byproduct material of less than 65-day half-life) to maintain a list identifying all restricted areas while licensed materials and equipment were used or stored, all areas where documentation is required in the current decommissioning rule for unusual occurrences or spills, and all areas outside of restricted areas containing material such that if the license were terminated, the licensee would be required to decontaminate the area or seek special approval for disposal. The final rule also requires some licensees after decommissioning to submit <sup>the above-specified list as well as</sup> specific information on certain decontaminated equipment that will remain onsite at the time of license termination.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer:

Ronald Minsk

Office of Information and Regulatory Affairs

(3150-0017, 3150-0020, 3150-0009, 3150-0132)

NEOB-3109