



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 12, 1997

Mr. Anthony J. Thompson  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, N.W.  
Washington, DC 20037

SUBJECT: STATUS OF NRC RULE ON RADIOLOGICAL CRITERIA FOR DECOMMISSIONING

Dear Mr. Thompson:

I received your letter of January 7, asking for clarification on the status of NRC- or Agreement State-approved decommissioning plans, in relation to the NRC's final rule on radiological criteria for decommissioning. Your understanding, based on the proposed rule and on statements by NRC staff, is that approved decommissioning plans which satisfy existing Agreement State or NRC regulatory limits or guidance will be "grandfathered," even if the "approved" regulatory limits or guidance differ from those in the final decommissioning rule. You would like to know if this understanding is correct. In addition, Duane Schmidt, of my staff, spoke with you by telephone on January 14, to clarify items in your letter. In that conversation, you also indicated that you would like to know what guidance we currently follow in reviewing reclamation plans, specifically as related to acceptable cleanup levels for uranium in soil.

As you know, the Commission has not yet promulgated its final rule on the radiological criteria for decommissioning. The only information available is that which was provided by the proposed rule. In the proposed rule, the Commission stated that the criteria in the proposed rule would not apply to sites already covered by a decommissioning plan. It further noted that the accepted decommissioning plan would have to be in conformance with criteria identified in the Site Decommissioning Management Plan (SDMP) Action Plan. The criteria in the SDMP Action Plan (57 FR 13389-13392) applicable to cleanup of uranium in soil are Options 1 and 2 of the Branch Technical Position "Disposal or Onsite Storage of Thorium or Uranium Wastes from Past Operations" (46 FR 52601; October 23, 1981). Based on the proposed rule, your understanding is correct that the NRC would grandfather previously accepted reclamation plans. However, I must stress that this conclusion is based on a proposed rule. Only after the final rule is issued can a more definitive answer be provided. In the proposed rule, Agreement State compatibility had not been determined. Thus, it is not clear whether whatever NRC allows in its final rule will also be allowed by Agreement States, or whether stricter requirements might be imposed.

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An approved reclamation plan would be a plan that had been reviewed by the staff and found acceptable. The results of this evaluation will be documented in a Technical Evaluation Report, and the license will be amended to include a condition requiring implementation of the approved decommissioning plan. In addition, NRC inspections must confirm acceptable and effective implementation of the plan. All of these factors are what would be considered in determining if a previously reviewed plan could be considered acceptable for grandfathering under the proposed rule. The approval process used by Agreement States may be different. It should be recognized that any changes, after the rule is finalized, to approved cleanup criteria in an accepted plan would need to be reviewed under the requirements of the final rule.

If you have any questions concerning this letter or additional concerns on these subjects, please contact Duane Schmidt, of my staff, at (301) 415-6919.

Sincerely,

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Joseph J. Holonich, Chief  
Uranium Recovery Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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