

July 8, 1998

MEMORANDUM L. Joseph Callan  
TO: Executive Director for Operations  
FROM: John C. Hoyle, Secretary /s/  
SUBJECT: STAFF REQUIREMENTS - SECY-98-051 - GUIDANCE IN SUPPORT OF FINAL RULE ON  
RADIOLOGICAL CRITERIA FOR LICENSE TERMINATION

The Commission has approved publication of the guidance and supporting documents and their interim use for a period of two years. The staff should ensure that the Agreement States and Conference of Radiation Control Program Directors are aware of the issuance of these documents for interim use and public comment.

(EDO)

(SECY Suspense: 7/31/98)

The staff should go forward with plans to maintain a dialogue with the public during the comment period through use of a website and public workshops provided that they prove to be an efficient use of limited staff resources. The staff should explore the possibility of providing a more detailed flow chart or, at a minimum, a more detailed table of contents or subject index for each guidance document to assist the reader in locating relevant sections of the various guidance documents.

The Commission expressed concern that there may be excessive conservatism, particularly in the screening model (DandD) code. Areas of conservatism that warrant additional review during the public comment period include, but are not limited to, the following:

- the assumption that the resident farmer is the proper screening group scenario in every case where soil contamination is found or where institutional controls fail (perhaps "sub-scenarios" or new scenarios could be developed based on actual experience)
- the daily drinking water consumption value of 1.3 liters
- the assumption that 100% of the water used to irrigate the land where food crops are grown is contaminated ground water from on-site
- more regional or localized data (e.g., rainfall data) should be integrated into DandD when available
- groundwater model - as mentioned above, the staff should compare the DandD groundwater model against other generic groundwater models or the use of site-specific models to determine the utility of the generic groundwater model.

The staff should consider the comments provided to the Commission by the Advisory Committee on Nuclear Waste (ACNW) on April 29, 1998, when the staff updates the regulatory guidance and supporting documents during the 2-year comment period. In particular, the staff should follow through on the ACNW recommendation to develop a more user-friendly format including development of guidance on standard content and format of information to be submitted to the NRC for license termination cases. The staff should use a complex site to test the DandD code and serve as a pilot for developing and testing the Standard Review Plan (SRP).

The staff should exercise due diligence to ensure that the more risk-informed and iterative approach outlined in the NUREG-1549 decision framework and supporting guidance documents is not undermined by the use of outdated methodologies, decision frameworks or guidance that rely on radionuclide-specific concentration limits or other generic values which may not provide a consistent level of protection for the public and environment. In developing the SRP, clear guidance should be provided on compliance with the As Low As Reasonably Achievable (ALARA) provision of the final rule. In addition, if the licensee complies with the 25 mrem dose criterion using the screening methodology, the licensee may have met the intended ALARA requirement; therefore, additional demonstration of compliance may not be necessary.

The staff should use a probabilistic approach to calculating a total effective dose equivalent to an average member of the critical group to demonstrate compliance with the license termination rule. The DandD code inherently builds in probabilistic concepts and is consistent with a risk-informed approach to decommissioning that factors in the probability of an individual actually receiving the calculated maximum dose.

(EDO)

(SECY Suspense: 7/29/2000)

The staff should provide the Commission a timeline for development of the SRP and any interim guidance on the SRP. The timeline should include ACNW review of and comment on the SRP during its development. Adequate resources should be provided to NMSS to implement these recommendations.

(EDO)

(SECY Suspense: 9/30/98)

cc: Chairman Jackson  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
CIO  
CFO

OCA

OIG

Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)

PDR

DCS