

IN RESPONSE, PLEASE
REFER TO: M940623B

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June 28, 1994

MEMORANDUM FOR: James M. Taylor, Executive Director
for Operations

FROM: John C. Hoyle, Acting Secretary /s/ A. Bates

SUBJECT: **STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 3:30 P.M., THURSDAY, JUNE 23, 1994,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE
FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)**

**SECY-94-135 - Final Rule on "Timeliness In Decommissioning of
Materials Facilities"**

The Commission, by a 3-1 vote¹, approved issuance of a final rule requiring timely decontamination and decommissioning by nuclear material licensees. The amendments establish specific time periods for decommissioning unused portions of operating nuclear materials facilities and for decommissioning the entire site upon termination of operations. The Chairman and Commissioners Rogers and Remick approved the rule; Commissioner de Planque disapproved the rule, she would have preferred to wait until after receipt of comments on the proposed radiological criteria for decommissioning rule.

On pages 47, 54 and 61 of the proposed Federal Register Notice reference is made to microroentgens as the unit for gamma radiation. In the same section radioactivity is expressed in megabecquerels which is an SI unit. In accordance with the Commission's policy to move to the use of metric units, the staff should review the FRN to assure that SI units are used

¹ "Section 201 of the Energy Reorganization Act, 42 USC Section 5841, provides that action of the Commission shall be determined by a 'majority vote of the members present.' Commissioner Rogers was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 2-1 in favor of the decision. Commissioner Rogers, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote."

consistently throughout. In addition, there appears to be a problem with the syntax in amended Section 30.36(d) and in the

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corresponding amended sections of Parts 40 and 70. Specifically, no list of occurrences follows the language that includes the phrase, "Within 60 days of the occurrence of any of the following,..." This sentence should be corrected.

Following completion of these corrections, the FRN should be reviewed by the Rules Review and Directives Branch, Office of Administration, and forwarded for signature and publication.

(EDO) (SECY SUSPENSE: 7/15/94)

cc: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque
OCA
OCAA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance
DCS - P1-24