

September 3, 1991

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: SECY-91-245 - PROPOSED RULE, AMENDMENTS TO 10
CFR PARTS 30, 40, 70, AND 72,
"DECOMMISSIONING RECORDKEEPING AND LICENSE
TERMINATION: DOCUMENTATION ADDITIONS"

This is to advise you that the Commission has not objected to the issuance of the proposed rule by the EDO for publication in the Federal Register subject to the following clarifications:

- 1) The rule should be clarified with respect to its application to licensees who possess byproduct material with less than 10 days half-life or source material that is not in a readily dispersable form. The supplementary information (and the Commission paper) indicate that licensees with such material are to be exempt from the requirements of the rule. The language of the rule, however, appears only to exempt them from the requirement to identify all on-site areas, outside of the restricted areas, where material in excess of Appendix C requirements apply. This needs to be corrected, if the language in the supplementary information and the Commission paper reflect the staff's actual intent.
- 2) The rule should also be clarified to state that in the case of licensees who possess, for example, byproduct material with half-lives of both greater and less than 10 days, such licensees would be subject to the rule's requirements.

SECY NOTE: THIS SRM AND SECY-91-245 WILL BE MADE PUBLICLY
AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS
SRM

- 3) The proposed rule includes certain exemptions for very short half-life material or source material in non-dispersable form. The rationale for these exemptions should be set forth in the Statements of Consideration. In this regard, it is understood that the intent for source material exemptions is to exempt licensees from certain recordkeeping requirements when depleted uranium metal is used as shielding or is contained in stored ammunition. It would be useful to the reader if the proposed exemptions were justified or explained in more detail; alternatively, the staff may wish to ask for public input on the general question of whether specific exemptions should be included. A provision that invites case-by-case exemptions might also be considered, instead of, or in addition to, specific exemptions.
- 4) The term "non-dispersable" should be defined and discussed.
- 5) The preamble indicates that temporary job sites would be excluded from the coverage of this rule. The paragraphs being amended refer to decommissioning of the facility and the proposed amendments refer to on-site and within the site. However, no specific language is included in the proposed changes addressing this particular point, and the term "site" is not defined. The staff might consider adding clarifying language and an explanation about how temporary job sites are addressed in the daily conduct of business, so that they do not need to be covered.
- 6) The OMB clearance section refers to the action as a final rule and should be corrected.

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC
GPA
OIG