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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 25, 1996

Mr. Robert W. Sharkey, Director
Regulatory Affairs
Combustion Engineering, Inc.
3300 State Road P
Hematite, MO 63047

SUBJECT: POSTPONEMENT OF 20.304 DISPOSAL AREA DECOMMISSIONING (TAC NO. L30912)

Dear Mr. Sharkey:

The U.S. Nuclear Regulatory Commission staff has completed its review of your September 13, 1996, request to postpone decommissioning of your 20.304 disposal.

Your letter requested the decommissioning of the disposal area be delayed until the end of plant life. You supported your request by citing the following three factors: (1) the burial presents no risk in its current configuration; (2) the removal of the burial is not ALARA; and (3) removal of the material would increase the risk to the public.

Based on our review, we cannot grant your request for delay because you have not adequately justified such delay in accordance with NRC requirements in 10 CFR 70.38(f). An adequate justification would have demonstrated that the delay is in the public interest by addressing factors described in the Decommissioning Timeliness rule [59 FR 36030] and other relevant factors such as those listed in § 70.38(i) . These factors include: (1) record of regulatory compliance; (2) maintenance and monitoring of the disposal area; (3) decommissioning financial assurance for the disposal area; (4) plans for resuming operations of the disposal area; (5) availability of waste disposal facilities; (6) reduction in dose or waste volume due to radioactive decay; (7) technical feasibility of decommissioning; (8) regulatory requirements of other government agencies; (9) lawsuits; (10) groundwater treatment and restoration activities; or (11) other factors that demonstrate a clear public interest in delaying decommissioning, such as prompt decommissioning could result in more environmental harm than deferred decommissioning. The fact that the burial does not currently pose a risk to the public does not provide this demonstration. In addition, if it is determined that the waste material must be removed, the risks of removing the waste would be the same now, or in the future; therefore, this does not demonstrate that it is the public interest to delay the decommissioning.

NRC staff has developed a draft screening methodology for assessing prior land burials of radioactive waste performed under 20.304. This methodology was published in the Federal Register for interim use and comment on November 4, 1996 (61 FR 56716). Please apply this screening methodology to your burial site and within 60 days from the date of this letter, either (1) submit a demonstration that no further characterization or remediation of the disposal area is necessary and that it is suitable for release for unrestricted use, or (2) submit a request for delay of decommissioning or an alternate

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schedule for decommissioning that addresses the relevant factors listed in 10 CFR 70.38(i). If you determine that remediation is necessary, you will need to submit a decommissioning plan for the disposal area within 12 months of your notification (i.e., no later than September 13, 1997).

Please note that any request for an alternative schedule may be based, in part or entirety, on the need to conduct additional characterization or assessment of the disposal area. Please reference the above TAC No. on future correspondence related to this matter.

If you have any questions regarding this matter, please contact Sean Soong of my staff at (301) 415-8155.

Sincerely,

Michael F. Weber

Michael F. Weber, Chief
Licensing Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-36
License No.: SNM-33

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that addresses the relevant factors listed in 10 CFR 70.38(i). If you determine that remediation is necessary, you will need to submit a decommissioning plan for the disposal area within 12 months of your notification (i.e., no later than September 13, 1997).

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Docket No.: 70-36
License No.: SNM-33

TICKET: LLDP-162

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DATE	11/21/96		11/21/96		11/22/96		11/25/96		11/25/96		11/ /96	

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that addresses the relevant factors listed in 10 CFR 70.38(h)(2)(i). If you determine that remediation is necessary, you will need to submit a decommissioning plan for the disposal area within 12 months of your notification (i.e., no later than September 13, 1997).

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OFC	LLDP	C	LLDP		LLDP		FCLB		FCLB		FCLB	
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[ORIGINAL SIGNED BY:]

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Division of Fuel Cycle Safety
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