copies from SECY (Ken Hart) via e-mail.

April 3, 1992

MEMORANDUM FOR: James M. Taylor
Executive Director
for Operations

FROM: Samuel J. Chilk, Secretary /s/

SUBJECT: SECY-92-106 - ACTION PLAN TO ENSURE TIMELY REMEDIATION OF SITES LISTED IN THE SITE DECOMMISSIONING MANAGEMENT PLAN

This is to advise you that the Commission (with the Chairman and Commissioners Rogers, Curtiss and Remick agreeing) has approved the attached Action Plan. Commissioner de Planque approved in part and disapproved in part. She disapproved only Section B on finality, believing that the Commission "...can only commit this current Commission to actions regarding finality and cleanup standards."

The Commission suggests that for materials licensees, publication in the Federal Register and in the NMSS Newsletter would provide sufficient notice to these licensees, and would be more efficient and economical than mailing an Information Notice to all such licensees.

Attachment:
As Stated

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
Commissioner de Planque

SECY NOTE: This SRM, the subject paper, and the vote sheets of all Commissioners will be made immediately available to the public.

April 6, 1992

R E V I S E D - 4/6/92

MEMORANDUM FOR: James M. Taylor
Executive Director
for Operations

FROM: Samuel J. Chilk, Secretary /s/

SUBJECT: SECY-92-106 - ACTION PLAN TO ENSURE TIMELY REMEDIATION OF SITES LISTED IN THE SITE DECOMMISSIONING MANAGEMENT PLAN

This is to advise you that the Commission (with the Chairman and Commissioners Rogers, Curtiss and Remick agreeing) has approved the attached Action Plan. Commissioner de Planque approved in part and disapproved in part. She disapproved only Section B on finality, believing that the Commission "...can only commit this current Commission to actions regarding finality and cleanup standards" because "future Commissions may change criteria, and may take the position that additional cleanup is required. The fact is that previous Commissions have reopened licenses to require additional cleanup at some sites. And a 'no reopener clause' will not prevent future Commissions from taking a similar position".

The Commission suggests that for materials licensees, publication in the Federal Register and in the NMSS Newsletter would provide sufficient notice to these licensees, and would be more efficient and economical than mailing an Information Notice to all such licensees.

Attachment:
As Stated

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
Commissioner de Planque
OGC
OCAA
OIG
ACRS

SECY NOTE: This SRM, the subject paper, and the vote sheets of all Commissioners will be made immediately available to the public.

NRC ACTION PLAN TO ENSURE TIMELY CLEANUP OF SDMP SITES

I. Introduction and Purpose

Over the past several years, the Nuclear Regulatory Commission (NRC) has identified over 40 nuclear material sites that warrant special attention by the Commission. The sites have buildings, former waste disposal areas, large piles of tailings, groundwater, and soil contaminated with low levels of uranium or thorium (source material) or other radionuclides. Consequently, they present varying degrees of radiological hazard, cleanup complexity, and cost. Some of the sites are still under the control of active NRC licenses, whereas licenses for other sites may have already been terminated or may have never been issued. At some sites, licensees are financially and technically capable of completing cleanup in a reasonable timeframe, whereas at other sites, the licensee or responsible party is unable or unwilling to perform cleanup. In addition, the sites are currently in various stages of decommissioning. At some sites, licensees have initiated decommissioning, whereas at other sites, decommissioning has not yet been planned or initiated.

The NRC believes that the best approach for minimizing the potential for unnecessary radiation exposures and environmental contamination in the future is to ensure that these sites are cleaned up in a timely and effective manner. In 1990, NRC implemented the Site Decommissioning Management Plan (SDMP) to identify and resolve issues associated with the timely cleanup of these sites. The SDMP provides a comprehensive strategy for NRC and licensee activities dealing with the cleanup and closure of contaminated nuclear material facilities over which NRC has jurisdiction. Table 1 lists the sites that are currently included in the SDMP (the SDMP does not include more routine decommissioning cases such as nuclear power reactors). The SDMP has been effective in ensuring coordination and resolution of some of the policy and regulatory issues affecting site decommissioning. Progress on actual site remediation, however, continues to be slow.

The limited progress to date has prompted the Commission to direct the NRC staff to initiate actions to accelerate the cleanup of SDMP sites. The staff has developed this Action Plan to describe NRC's approach for accelerating remediation of sites listed in the SDMP. The objective of this plan is to communicate the Commission's general expectation that sites listed on the SDMP be cleaned up in a timely and effective manner. This plan (1) identifies current criteria to guide cleanup of contaminated soils, structures, and equipment and emphasizes site-specific application of the As Low As Reasonably Achievable (ALARA) principle; (2) states NRC's position on the finality of decommissioning decisions; (3) describes the NRC's general

expectation that SDMP site cleanup will be completed within a 4-year timeframe after operations cease or 3 years after the issuance of an initial cleanup order; (4) identifies currently available guidance on site characterization work in support of decommissioning; and (5) describes the process the staff will use to establish and enforce schedules for timely cleanup on a site-specific basis.

It should be noted that this Action Plan itself does not contain enforceable standards and is not intended to create new rights or obligations on third parties or to preclude litigation of properly framed issues in any pending proceeding. Implementation of this plan may result in the establishment of legally binding requirements by order or license amendment that may be enforced on a site-specific basis. However, nothing in this Action Plan is intended to affect hearing rights associated with such orders or license amendments or the hearing rights of parties to presently pending adjudications and, to the extent that rules promulgated in accord with 5 USC 553 are not applicable, each case will be judged on its own merits.

II. Action Plan

In accordance with the overall objective of ensuring timely and effective cleanup of SDMP sites, the staff will review site-specific plans and take decommissioning actions consistent with the following elements:

A. Cleanup Criteria

Pending NRC rulemaking on generic radiological criteria for decommissioning, the NRC will continue to consider existing guidance, criteria and practices such as those listed below in determining whether sites have been sufficiently decontaminated so that they may be released for unrestricted use, pursuant to, or consistent with, the decommissioning rules in 10 CFR 30.36, 40.42, 50.82, 70.38, and 72.54. These cleanup criteria will be applied on a site-specific basis with emphasis on residual contamination levels that are ALARA.

1. Options 1 and 2 of the Branch Technical Position "Disposal or Onsite Storage of Thorium or Uranium Wastes from Past Operations" (46 FR 52061, October 23, 1981).

2. "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material," Policy and Guidance Directive FC 83-23, Division of Industrial and Medical Nuclear Safety, August 1987.

3. "Termination of Operating Licenses for Nuclear Reactors," Regulatory Guide 1.86, June 1974, Table 1, for surface contamination of reactor facility structures. Also

Cobalt-60, Cesium-137, and Europium-152 that may exist in concrete, components, and structures should be removed such that the indoor exposure rate is less than 5 microroentgen per hour above natural background at 1 meter, with an overall dose objective of 10 millirem per year (cf. Letter to Stanford University from James R. Miller, Chief, Standardization and Special Projects Branch, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, April 21, 1982, Docket No. 50-141).

4. The Environmental Protection Agency's (EPA's) "National Primary Drinking Water Standards," 40 CFR Part 141. In accordance with FC 83-23, the maximum contaminant levels for radionuclides in public drinking water as established by the EPA should be used as reference standards for protection of groundwater and surface water resources.

5. The EPA's "Radiation Dose Guidelines for Protection Against Transuranium Elements Present in the Environment as a Result of Unplanned Contamination" (42 FR 60956; November 30, 1977). This document provides guidelines for acceptable levels of transuranium elements in soil.

The criteria of this section will be considered in establishing site-specific ALARA levels for each of the SDMP sites in license amendments and orders.

B. Finality

NRC decisions to terminate a license will relieve the licensee from any further obligation to NRC to conduct additional cleanup, as long as the licensee decommissioned the site in full accordance with an approved decommissioning plan. The licensee will demonstrate compliance with the cleanup levels described in the decommissioning plan by a radiologic survey of the site prior to license termination. The NRC usually conducts an independent survey to confirm the accuracy of the licensee's termination survey. Therefore, if a licensee or responsible party cleaned up a site, or was in the process of cleaning up a site, under an NRC-approved decommissioning plan, the NRC will not require the licensee to conduct additional cleanup in response to NRC criteria or standards established after NRC approval of the plan. An exception to this case would be in the event that additional contamination, or noncompliance with the plan, is found indicating a significant threat to public health and safety. Noncompliance would occur when a licensee or responsible party does not comply with an approved decommissioning plan, or provides false information.

NRC will inform EPA about specific decommissioning actions at sites. NRC will also inform State and local agencies that have jurisdiction over aspects concerning decommissioning actions.

C. Timing

NRC staff will address the timing of SDMP site cleanups on a case-by-case basis, with the expectation that cleanup generally be completed within about 4 years after operations that caused the contamination cease or 3 years after issuance of an initial cleanup order. To achieve this objective, major decommissioning milestones should be established within the following timeframes:

1. As soon as practical, but generally not later than 12 months after notification by NRC that decommissioning is expected to commence, the licensee or responsible party identified by NRC should submit to NRC an adequate site characterization report, if that has not yet been completed. NRC encourages early and substantive coordination and communication between the licensee or responsible party in planning for site characterization, including NRC review of site characterization plans.

2. As soon as practical, but generally not later than 6 months after NRC approval of the site characterization report, the licensee or responsible party should submit to NRC a site decommissioning plan for approval based on the site characterization results. The decommissioning plan should include schedules for completing site decommissioning work in a timely and effective manner, including plans to dispose of contaminated materials either onsite pursuant to 10 CFR 20.302 (or 20.2002 of the revised 10 CFR Part 20), or at a licensed disposal facility offsite.

3. As soon as practical, but generally not later than 18 months after NRC approval of the site decommissioning plan, the licensee or responsible party should complete all decommissioning work and termination surveys, such that sites or facilities can be released for unrestricted use after termination of the license, as appropriate.

In implementing this approach, NRC will establish specific and enforceable milestones for each phase of decommissioning through license amendments or orders. These schedules will provide flexibility to allow a licensee or responsible party to demonstrate good cause for delaying cleanup based on technical and risk reduction considerations, or for reasons beyond their control. NRC recognizes that at sites containing hazardous chemical wastes, schedules will depend, at least in part, on the necessary reviews and approvals by other responsible agencies (e.g., EPA or State agencies).

D. Site Characterization

Inadequate site characterization has been one of the technical issues that has delayed timely approval and implementation of

site-specific decommissioning actions. Therefore, NRC is developing new guidance on the content of acceptable site characterization programs conducted in support of decommissioning actions. NRC has developed a draft "Guidance Manual for Conducting Radiological Surveys in Support of License Termination" (NUREG/CR-5849) through Oak Ridge Associated Universities. This draft manual, which will be published for interim use and evaluation in April 1992, should be consulted regarding general aspects of site characterization activities. In addition, this draft manual should be used by licensees when conducting radiological surveys in support of license terminations in the interim until the manual is finalized. NRC is developing additional guidance on specific aspects of site characterization, such as hydrogeologic assessment of contaminated sites.

Until specific NRC guidance on site characterization is developed, licensees should continue to review relevant information from existing documents on site characterization such as those identified below. Although NRC recognizes that these documents do not completely address site characterization needs for decommissioning, use of these references, in addition to site-specific consultation with the NRC staff, will help assure that site characterization is appropriately planned and conducted so that final site characterization reports are submitted with minimal deficiencies and in a timely manner. The following documents, available from the Public Document Room, should be reviewed regarding general aspects of site characterization activities:

1. "Survey Procedures Manual for the ORAU Environmental Survey and Site Assessment Program," Oak Ridge Associated Universities, March 1990.

2. "Laboratory Procedures Manual for the Environmental Survey and Site Assessment Program," Revision 5, Oak Ridge Associated Universities, February 1990.

3. "Quality Assurance Manual for the Oak Ridge Associated Universities' Environmental Survey and Site Assessment Program," Revision 3, Oak Ridge Associated Universities, February 1990.

4. "Monitoring for Compliance With Decommissioning Termination Survey Criteria," NUREG/CR-2082, June 1981.

5. "Guidance on the Application of Quality Assurance for Characterizing a Low-Level Radioactive Waste Disposal Site," NUREG-1383, October 1990.

E. Procedures to Compel Timely Cleanup

NRC staff will seek voluntary cooperation by licensees or other responsible parties in establishing and implementing

decommissioning plans in accordance with the objectives of this Action Plan. For sites with active NRC licenses, an approved decommissioning plan that includes appropriate schedules and cleanup levels will be incorporated into the license by amendment through normal licensing procedures. For sites with joint licenses (i.e., facilities that possess both a materials and a non-power reactor license), a coordinated approach under both licenses will be taken in establishing appropriate schedules and plans for decommissioning. If a site is not under an active license, the NRC may impose a decommissioning plan by order.

In cases where voluntary cooperation is ineffective in establishing acceptable schedules for completing decommissioning actions, NRC will establish legally binding requirements and take enforcement action, as necessary, to compel timely and effective cleanup of SDMP sites. Demands for Information may be used to establish licensee commitments to perform major decommissioning activities. Enforcement actions may include issuance of Orders, including immediately effective orders, to compel actions by licensees or other responsible parties. If necessary, NRC will issue Orders requiring payment of funds into a decommissioning escrow account when a licensee or responsible party fails to meet an agreed upon schedule and has not already established an adequate decommissioning fund pursuant to, or consistent with, the decommissioning funding rules (10 CFR 30.35, 40.36, 50.82, 70.25, and 72.30). The amount of the escrow account will be based upon and be consistent with the estimated cost required to complete site cleanup. Other enforcement actions may include escalated payment of funds into the escrow account based on a licensee's or responsible party's failure to comply with the Order. Accumulations into that account will be dedicated for use to finance the cleanup of the site. Finally, NRC will consider issuing civil penalties where (1) the licensee or responsible party fails to comply with an order compelling payment into an escrow account; or (2) the licensee or responsible party fails to comply with a requirement or an Order compelling cleanup when there is already sufficient decommissioning funding. Additionally, NRC may seek court injunctions to compel enforcement of these Orders.

authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials as defined in section 11e.(1) of the Act;
B. Source materials; and
C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;
B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;
D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission;
E. The land disposal of source, byproduct and special nuclear material received from other persons; and
F. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

Article III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area(s) specified in article II, paragraph E or F, whereby the State can exert regulatory control over the materials stated herein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use it best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission may also, pursuant to section 274j of the Act, temporarily suspend all or part of this Agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with section 274 of the Act.

Article IX

This Agreement shall become effective on April 1, 1992, and shall remain in effect unless and until such time as it is terminated pursuant to article VIII.

Done at Rockville, Maryland in triplicate, this 16th day of March, 1992.

For the United States Nuclear Regulatory Commission, Ivan Selin, Chairman.

Done at Augusta, Maine, in triplicate, this 25th day of March, 1992.

For the State of Maine, John R. McKernan, Jr., Governor.

Dated at Rockville, this 9th day of April, 1992.

For the United States Nuclear Regulatory Commission.

Sheldon A. Schwartz,

Deputy Director, Office of State Programs.

[FR Doc. 92-8839 Filed 4-15-92; 8:45 am]

BILLING CODE 7590-01-M

Action Plan to Ensure Timely Cleanup of Site Decommissioning Management Plan Sites

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability of NRC action plan.

SUMMARY: The NRC has developed an Action Plan to describe the approach the agency will use to accelerate the cleanup of radiologically contaminated sites listed in NRC's Site Decommissioning Management Plan (SDMP). The objective of this plan is to communicate the Commission's general expectation that sites listed in the SDMP be cleaned up in a timely and effective manner. This plan (1) identifies existing criteria to guide cleanup of contaminated soils, structures, and equipment and emphasizes site-specific application of the As Low As Reasonably Achievable (ALARA) principle; (2) states the NRC's position on the finality of decommissioning decisions; (3) describes the NRC's general expectation that SDMP site cleanup will be completed within a 4-year timeframe after operations cease or 3 years after the issuance of an initial cleanup order; (4) identifies currently available guidance on site

characterization work in support of decommissioning; and (5) describes the process the NRC staff will use to establish and enforce schedules for timely cleanup on a site-specific basis.

ADDRESSES: Other documents referenced in this notice may be reviewed and/or copies for a fee from the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John A. Austin, Chief, Decommissioning and Regulatory Issues Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504-2580.

SUPPLEMENTARY INFORMATION:

I. Introduction and Purpose

Over the past several years, the Nuclear Regulatory Commission (NRC) has identified over 40 nuclear material sites that warrant special attention by the Commission. These sites have buildings, former waste disposal areas, large piles of tailings, groundwater, and soil contaminated with low levels of uranium or thorium (source material) or other radionuclides. Consequently, they present varying degrees of radio logical hazard, cleanup complexity, and cost. Some of the sites are still under the control of active NRC licenses, whereas licenses for other sites may have already been terminated or may have never been issued. At some sites, licenses are financially and technically capable of completing cleanup in a reasonable timeframe, whereas at other sites, the licensee or responsible party is unable or unwilling to perform cleanup. In addition, the sites are currently in various stages of decommissioning. At some sites, licensees have initiated decommissioning, whereas at other sites, decommissioning has not yet been planned or initiated.

The NRC believes that the best approach for minimizing the potential for unnecessary radiation exposures and environmental contamination in the future is to ensure that these sites are cleaned up in a timely and effective manner. In 1990, the NRC implemented the Site Decommissioning Management Plan (SDMP) to identify and resolve issues associated with the timely cleanup of these sites. The SDMP provides a comprehensive strategy for NRC and licensee activities dealing with the cleanup and closure of contaminated nuclear material facilities over which the NRC has jurisdiction. The appendix to this document lists the sites that are currently included in the SDMP (the SDMP does not include more routine decommissioning cases such as nuclear power reactors). The SDMP has been effective in ensuring coordination and resolution of some of the policy and regulatory issues affecting site decommissioning. Progress on actual site remediation, however, continues to be slow. The limited progress to date has prompted the Commission to direct the NRC staff to initiate actions to accelerate the cleanup of SDMP sites.

It should be noted that this Action Plan itself does not contain enforceable standards and is not intended to create new rights or obligations on third parties or to preclude litigation of properly framed issues in any pending proceeding. Implementation of this plan may result in the establishment of legally binding requirements by order or license amendment that may be enforced on a site-specific basis. However, nothing in this Action Plan is intended to affect hearing rights associated with such orders or licensee amendments or the hearing rights of parties to presently pending adjudications and, to the extent that rules promulgated in accord with 5 U.S.C. 553 are not applicable, each case will be judged on its own merits.

II. Action Plan

In accordance with the overall objective of ensuring timely and effective cleanup of SDMP sites, the NRC staff will review site-specific plans and take decommissioning actions consistent with the following elements:

A. Cleanup Criteria

Pending NRC rulemaking on generic radiological criteria for decommissioning, the NRC will continue to consider existing guidance, criteria, and practices listed below to determine whether sites have been sufficiently decontaminated so that they may be released for unrestricted use, pursuant to, or consistent with, the decommissioning rules in 10 CFR 30.36, 40.42, 50.82, 70.38, and 72.54. These cleanup criteria will be applied on a site-specific basis with emphasis on residual contamination levels that are ALARA.

1. 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).

2. "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material," Policy and Guidance Directive FC 83-23, Division of Industrial and Medical Nuclear Safety, November 4, 1983.

3. "Termination of Operating Licenses for Nuclear Reactors," Regulatory Guide 1.86, June 1974, Table 1, for surface contamination of reactor facility structures. Also Cobalt-60, Cesium-137, and Europium-152 that may exist in concrete, components, and structures should be removed so the indoor exposure rate is less than 5 microroentgen per hour above natural background at 1 meter, with an overall dose objective of 10 millirem per year (cf. Letter to Stanford University from James R. Miller, Chief, Standardization and Special Projects Branch, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, April 21, 1982, Docket No. 50-141).

4. The Environmental Protection Agency's (EPA's) "Interim Primary Drinking Water Regulations," 40 CFR part 141 (41 FR 38404; July 9, 1976). In accordance with FC 83-23, the maximum contaminant levels for radionuclides in public drinking water as established by the EPA should be used as reference standard for protection of groundwater and surface water resources.

5. The EPA's "Persons Exposed To Transuranium Elements In The Environment" (42 FR 60956; November 30, 1977). This document provides guidelines for acceptable levels of transuranium elements in soil.

The criteria of this section will be considered in establishing site-specific ALARA levels for each of the SDMP sites in license amendments and orders.

B. Finality

The NRC's decision to terminate a license will relieve the licensee from any further obligation to the NRC to conduct additional cleanup as long as the licensee decmommissioned the site in full accordance with an approved decommissioning plan. The licensee will demonstrate compliance with the cleanup levels described in the decommissioning plan by performing a radiologic survey of the site prior to license termination. The NRC usually conducts an independent survey to confirm the accuracy of the licensee's termination survey. Therefore, if a licensee or responsible party cleaned up a site, or was in the process of cleaning up a site, under an NRC-approved decommissioning plan, the NRC will not require the licensee to conduct additional cleanup in response to NRC criteria or standard established after NRC approval of the plan. An exception to this case would be in the event that additional contamination, or

noncompliance with the plan, is found indicating a significant threat to public health and safety. Noncompliance would occur with a licensee or responsible party does not comply with an approved decommissioning plan, or provides false information.

The NRC will inform EPA about specific decommissioning actions at sites. NRC will also inform State and local agencies that have jurisdiction over aspects concerning decommissioning actions.

C. Timing

The NRC staff will address the timing of SDMP site cleanups on a case-by-case basis, with the expectation that cleanup generally be completed within about 4 years after operations that caused the contamination cease or 3 years after issuance of an initial cleanup order. To achieve this objective, major decommissioning milestones should be established within the following timeframes:

1. As soon as practical, but generally not later than 12 months after notification by the NRC that decommissioning is expected to commence, the licensee or responsible party identified by the NRC should submit to the NRC an adequate site characterization report, if that has not yet been completed. The NRC encourages early and substantive coordination and communication between the licensee or responsible party in planning for site characterization, including NRC review of site characterization plans.

2. As soon as practical, but generally not later than 6 months after NRC approval of the site characterization report, the licensee or responsible party should submit to the NRC a site decommissioning plan for approval based on the site characterization results. The decommissioning plan should include schedules for completing site decommissioning work in a timely and effective manner, including plans to dispose of contaminated materials either onsite pursuant to 10 CFR 20.302 (or 10 CFR 20.2002 of the revised 10 CFR part 20), or at a licensed disposal facility offsite.

3. As soon as practical, but generally not later than 18 months after NRC approval of the site decommissioning plan, the licensee or responsible party should complete all decommissioning work and termination surveys, so that sites or facilities can be released for unrestricted use after termination of the license, as appropriate.

In implementing this approach, the NRC will establish specific and enforceable milestones for each phase of decommissioning through license amendments or orders. These schedules will provide flexibility to allow a licensee or responsible party to demonstrate good cause for delaying cleanup based on technical and risk reduction considerations, or for reasons beyond their control. NRC recognizes that at sites containing hazardous chemical wastes, schedules will depend, at least in part, on the necessary reviews and approvals by other responsible agencies (e.g., EPA or State agencies).

D. Site Characterization

Inadequate site characterization has been one of the technical issues that has delayed timely approval and implementation of site-specific decommissioning actions. Therefore, the NRC is developing new guidance on the content of acceptable site characterization programs conducted in support of decommissioning actions. The NRC has developed a draft "Guidance Manual for Conducting Radiological Surveys in Support of License Termination" (NUREG/CR-5849) [1] through Oak Ridge Associated Universities. This draft manual, which will be published for interim use and evaluation in April 1992, should be consulted regarding general aspects of site characterization activities. In addition, this draft manual should be used by licensees when conducting radiological surveys in support of license terminations in the interim until the manual is finalized. NRC is developing additional guidance on specific aspects of site characterization, such as hydrogeologic assessment of contaminated sites.

Until specific NRC guidance on site characterization is developed, licensees should continue to review relevant information from existing documents on site characterization such as those identified below. Although NRC recognizes that these documents do not completely address site characterization needs for decommissioning, use of these references, in addition to site-specific consultation with the NRC staff, will help ensure that site characterization is appropriately planned and conducted so that final site characterization reports are submitted with minimal deficiencies and in a timely manner. The following documents, available from the NRC Public Document Room, should be reviewed regarding general aspects of site characterization activities:

1. "Survey Procedures Manual for the ORAU Environmental Survey and Site Assessment Program," Oak Ridge Associated Universities, March 1990.

2. "Laboratory Procedures Manual for the Environmental Survey and Site Assessment Program," Revision 5, Oak Ridge Associated Universities, February 1990.

3. "Quality Assurance Manual for the Oak Ridge Associated Universities' Environmental Survey and Site Assessment Program," Revision 3, Oak Ridge Associated Universities, February 1990.

4. "Monitoring for Compliance With Decommissioning Termination Survey Criteria," NUREG/CR-2082,[2] June 1981.

5. "Guidance on the Application of Quality Assurance for Characterizing a Low-Level Radioactive Waste Disposal Site," NUREG-1383, October 1990.

E. Procedures to Compel Timely Cleanup

The NRC staff will seek voluntary cooperation by licensees or other responsible parties in establishing and implementing decommissioning plans in accordance with the objectives of this Action Plan. For sites with active NRC licenses, an approved decommissioning plan that includes appropriate schedules and cleanup levels will be incorporated into the license by amendment through normal licensing procedures. For sites with joint licenses (i.e., facilities that possess both a materials and a non-power reactor license), a coordinated approach under both licenses will be taken in establishing appropriate schedules and plans for decommissioning. If a site is not under an active license, the NRC may impose a decommissioning plan by order.

In cases where voluntary cooperation is ineffective in establishing acceptable schedules for completing decommissioning actions, the NRC will establish legally binding requirements and take enforcement action, as necessary, to compel timely and effective cleanup of SDMP sites. Demands for Information may be used to establish licensee commitments to perform major decommissioning activities. Enforcement actions may

[1] A free single copy of draft NUREG/CR-5849 may be requested by writing to the U.S. Nuclear Regulatory Commission, Attn: Distribution and Mail Services Section, room P-130A, Washington, DC 20555. A copy is also available for inspection and/or copying in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

[2] Copies of NUREGS may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and/or copying at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

include issuance of orders, including immediately effective orders, to compel actions by licensees or other responsible parties. If necessary, NRC will issue orders requiring payment of funds into a decommissioning escrow account when a licensee or responsible party fails to meet an agreed upon schedule and has not already established an adequate decommissioning fund pursuant to, or consistent with, the decommissioning funding rules (10 CFR 30.35, 40.36, 50.82, 70.25, and 72.30). The amount of the escrow account will be based upon and be consistent with the estimated cost required to complete site cleanup. Other enforcement actions may include escalated payment of funds into the escrow account based on a licensee's or responsible party's failure to comply with the order. Accumulations into that account will be dedicated for use to finance the cleanup of the site. Finally, the NRC will consider issuing civil penalties where (1) the licensee or responsible party fails to comply with an order compelling payment into an escrow account; or (2) the licensee or responsible party fails to comply with a requirement or an order compelling cleanup when there is already sufficient decommissioning funding. Additionally, NRC may seek court injunctions to compel enforcement of these orders.

Dated at Rockville, Maryland, this 10th day of April, 1992.

For the Nuclear Regulatory Commission.

John H. Austin,

Chief, Decommissioning and Regulatory Issues Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards.

APPENDIX—EXISTING SDMP SITES

Site name	Location
Advanced Medical Systems.	Cleveland, OH.
ALCOA	Cleveland, OH.
AMAX	Wood County, WV.
Aberdeen Proving Ground.	Aberdeen, MD.
Army Arsenal	Watertown, MA.
Babcock and Wilcox	Apollo, PA.
Babcock and Wilcox	Parks Township, PA.
BP Chemicals	Lima, OH.
Budd Company	Philadelphia, PA.
Cabot Corporation	Boyertown, PA.
Cabot Corporation	Reading, PA.
Cabot Corporation	Revere, PA.
Chemetron Corporation (Bert Ave.).	Cleveland, OH.
Chemetron Corporation (Harvard Ave.).	Cleveland, OH.
Chevron Corporation	Pawling, New York.
Dow Chemical	Midland, MI and Bay City, MI.
Elkem Metals	Marietta, OH.
Englehard	Plainville, MA.
Fansteel	Muskogee, OK.
General Services Administration.	Watertown, MA.

APPENDIX—EXISTING SDMP SITES—Continued

Site name	Location
Hartley and Hartley	Bay County, MI
Heritage Minerals	Lakehurst, NJ.
Kerr-McGee (Cimarron)	Crescent, OK.
Kerr-McGee	Cushing, OK.
Magnesium Elektron	Flemington, NJ.
Molycorp	Washington, PA.
Molycorp	York, PA.
NE Ohio Regional Sewer District.	Cuyahoga Heights, OH.
Nuclear Metals	Concord, MA.
Permagrain	Media, PA.
Pesses Chemical	Pulaski, PA.
Remington Arms Company.	Independence, MO.
RMI Titanium	Ashtabula, OH.
RTI, Inc.	Rockaway, NJ.
Safety Light Corporation	Bloomsburg, PA.
Schott Glass	Duryea, PA.
Shieldalloy	Cambridge, OH.
Shieldalloy	Newfield, NJ.
Texas Instruments	Attleboro, MA.
United Nuclear Corporation.	Wood River, Junction, RI.
Victoreen	Cleveland, OH.
Westinghouse (Waltz Mill).	Madison, PA.
West Lake Landfill	St. Louis, MO.
Whittaker Metals	Greenville, PA.
Wyman-Gordon	North Grafton, MA.
3M Company	Kerrick, MN.

[FR Doc. 92-8838 Filed 4-15-92; 8:45 am]

BILLING CODE 7590-01-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Public Information Collection Requirements Submitted to OMB for Review

PADC has submitted (on April 1, 1992) the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511 (44 U.S.C. ch. 35). Copies of the submission may be obtained by calling the PADC clearance officer listed. Send comments to the OMB reviewer listed and to the PADC clearance officer.

Pennsylvania Avenue Development Corporation

OMB Number: 3208.

Form Number: No form number available; information requested in the Quarterly Workforce Report for the Federal Triangle Development Project in Washington, DC.

Title: Quarterly Workforce Report.

Description: Under the authority of the Pennsylvania Avenue Development Corporation Act, as amended (Pub. L. 92-578), and PADC's Affirmative Action Policy and Procedure, 36 CFR part 906, PADC has requested the developer of the Federal Triangle site in Washington, DC to obtain, on a voluntary basis, detailed statistics of racial and ethnic composition of the construction workforce on the project.

Respondents: Construction contractors.

Clearance Officer: Talbot J. Nicholas II, Attorney, (202) 724-9055, PADC, suite 1220 North, 1331 Pennsylvania Avenue, NW., Washington, DC 20004.

OMB Reviewer: Elizabeth Harker, (202) 395-3750, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th St., NW., Washington, DC 20503.

Dated: April 10, 1992.

M.J. Brodie,

Executive Director.

[FR Doc. 92-8793 Filed 4-15-92; 8:45 am]

BILLING CODE 7630-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer—Kenneth Fogash (202) 272-2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, Washington, DC 20549.

Extension

Rule 206(3)-2—File No. 270-216

Rules 8b-1 through 8b-32—File No. 270-135

Notice is hereby given pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), that the Securities and Exchange Commission (Commission) has submitted a request for extension for Rule 206(3)-2 under the Investment Advisers Act of 1940 (17 CFR 275.206(3)-2) and Rules 8b-1 through 8b-32 (17 CFR 270.8b-1 to 270.8b-32), a family of rules under section 8(b) of the Investment Company Act of 1940.

Rule 206(3)-2 permits registered investment advisers to comply with section 206(3) of the Investment Advisers Act of 1940 by obtaining a blanket consent from a client to enter into agency cross transactions, provided certain disclosure is made to the client. Approximately 100 respondents utilize the rule annually, necessitating about 122 responses each year, for a total of 12,200 responses. Each response requires about .5 hours, for a total of 6,100 hours.

Rules 8b-1 through 8b-32 provides standard instructions to guide persons