

September 19, 2006

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-06-0143 - STAKEHOLDER
COMMENTS AND PATH FORWARD ON DECOMMISSIONING
GUIDANCE TO ADDRESS LICENSE TERMINATION RULE
ANALYSIS ISSUES

The Commission has approved the staff's recommendation to revise the decommissioning guidance to state that: (1) onsite disposals of radioactive material under 10 CFR 20.2002 that result in doses no greater than a few millirem per year are generally acceptable to staff and that other dose criteria will be evaluated based on specific conditions, and; (2) when a Long Term Control - Possession Only (LTC) license is used to provide the institutional control for restricting future site use, the policy is to change an operating license to an LTC license by amendment, in lieu of terminating the operating license and issuing an LTC license.

While there may be unique cases where it may be justified as being in the public interest to allow mixing of clean soil from offsite with contaminated soil onsite to meet the site release criteria, those instances should be the result of a fully informed Commission decision. The staff guidance should clearly indicate that the Commission will be directly involved in such decisions.

In the guidance, the staff should clarify (i) how a statement of finality can be made (i.e., tie the LTC license to 10 CFR Part 20 Subpart E), and (ii) who will be responsible for maintaining institutional controls and periodic five-year rechecks under the proposed LTC license option.

cc: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR