



DRAFT REGULATORY GUIDE

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DRAFT REGULATORY GUIDE DG-3027 (Proposed Revision 1 of Regulatory Guide 3.65 dated August 1989)

STANDARD FORMAT AND CONTENT OF DECOMMISSIONING PLANS FOR MATERIALS LICENSEES

A. INTRODUCTION

This regulatory guide provides guidance on decommissioning leading to termination of a materials license. Licensees decommissioning their facilities are required to demonstrate to the US Nuclear Regulatory Commission (NRC) that their proposed methods will ensure that decommissioning activities can be conducted safely, and that, at the completion of decommissioning activities, the facility will comply with NRC requirements for license termination as described in Title 10 of the *Code of Federal Regulations* (10 CFR). In particular, licensees are required to demonstrate compliance with the following parts of 10 CFR:

- Part 30, “Rules of General Applicability to Domestic Licensing of Byproduct Material”
- Part 40, “Domestic Licensing of Source Material”
- Part 60, “Disposal of High-Level Radioactive Wastes in Geologic Repositories”
- Part 61, “Licensing Requirements for Land Disposal of Radioactive Waste”
- Part 63, “Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada”
- Part 70, “Domestic Licensing of Special Nuclear Material”
- Part 72, “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste, and Reactor Related Greater Than Class C Waste”

This regulatory guide endorses the method described in the current version of NUREG-1757, Volume 1, “Consolidated Decommissioning Guidance: Decommissioning Process for Materials Licensees” (Ref. 1), as a process that has been found acceptable to the NRC for meeting the regulatory requirements for decommissioning of materials facilities licensed under 10 CFR Parts 30, 40, 70, 72 and to the ancillary surface facilities that support radioactive waste disposal activities licensed under 10 CFR Parts 60, 61, and 63.

This regulatory guide is being issued in draft form to involve the public in the early stages of the development of a regulatory position in this area. It has not received final staff review or approval and does not represent an official NRC final staff position.

Public comments are being solicited on this draft guide (including any implementation schedule) and its associated regulatory analysis or value/impact statement. Comments should be accompanied by appropriate supporting data. Written comments may be submitted to the Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; e-mailed to NRCREP@nrc.gov; submitted through the NRC's interactive rulemaking Web page at <http://www.nrc.gov>; faxed to (301) 415-5144; or hand delivered to the Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, MD 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays. Copies of comments received may be examined at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by April 18, 2008.

Electronic copies of this draft regulatory guide are available through the NRC's interactive rulemaking Web page (see above); the NRC's public Web site under Draft Regulatory Guides in the Regulatory Guides document collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>; and the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>, under Accession No. ML073060162.

The NRC issues regulatory guides to describe to the public methods that the staff considers acceptable for use in implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific problems or postulated accidents, and to provide guidance to applicants. Regulatory guides are not substitutes for regulations and compliance with them is not required.

This regulatory guide contains information collections that are covered by the requirements of 10 CFR Parts 20, 30, 40, 60, 61, 63, 70, and 72 and that the Office of Management and Budget (OMB) approved under OMB control numbers 3150-0014, 3150-0151, 3150-0020, 3150-0127, 3150-0135, 3150-0199, 3150-0009, and 3150-0132, respectively. The NRC may neither conduct nor sponsor, and a person is not required to respond to, an information collection request or requirement unless the requesting document displays a currently valid OMB control number.

B. DISCUSSION

As part of its redesign of the materials license program, the NRC consolidated and updated numerous decommissioning guidance documents into NUREG-1757, "Consolidated Decommissioning Guidance." The three volumes of NUREG-1757 are titled as follows:

- Volume 1, "Decommissioning Process for Materials Licensees" (Ref. 1)
- Volume 2, "Characterization, Survey, and Determination of Radiological Criteria" (Ref. 2)
- Volume 3, "Financial Assurance, Recordkeeping, and Timeliness" (Ref. 3)

These three volumes provide approved agency guidance and supersede the guidance in Regulatory Guide 3.65, Revision 0, "Standard Format and Content of Decommissioning Plans for Licensees Under 10 CFR Parts 30, 40, and 70," issued August 1989; NUREG-1727, "NMSS Decommissioning Standard Review Plan," issued September 2000; and NUREG/BR-0241, "NMSS Handbook for Decommissioning Fuel Cycle and Materials Licensees," issued March 1997.

Volume 1 of NUREG-1757 provides a risk-informed, performance-based approach to the information needed to support an application for decommissioning a materials license and complying with the radiological criteria for license termination in Subpart E, "Radiological Criteria for License Termination," of 10 CFR Part 20, "Standards for Protection Against Radiation." Volume 1 of NUREG-1757 describes the approaches to license termination that will help to identify the information (subject matter and level of detail) needed to terminate a license based on the specific circumstances of the wide range of radioactive materials users licensed by the NRC. The NRC staff will use the guidance in the NUREG when reviewing license termination requests.

C. REGULATORY POSITION

This regulatory guide endorses the method described in the most current version of NUREG-1757, Volume 1, as a process that has been found acceptable to the NRC for meeting the regulatory requirements for termination of a materials license.

D. IMPLEMENTATION

The purpose of this section is to provide information to applicants and licensees regarding the NRC's plans for using this draft regulatory guide. No imposition or backfit is intended or approved in connection with its issuance.

The NRC has issued this draft guide to encourage public participation in its development. The NRC will consider all public comments received in development of the final guidance document. Except in those cases in which an applicant or licensee proposes or has previously established an acceptable alternative method for complying with specified portions of the NRC's regulations, the methods described in the active guide will be used in evaluating compliance with the regulations as discussed in this guide for license applications, license amendment applications, and exemption requests. The staff will also use this guide to evaluate licensee submittals which open the licensing basis for review.

REGULATORY ANALYSIS

1. Statement of the Problem

The NRC published the initial version of Regulatory Guide 3.65 in August 1989 to provide licensees with guidance for complying with the then current versions of 10 CFR sections 30.36, 40.42, and 70.38, all of which are entitled, "Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas." The NRC's implementation of a risk-informed, performance-based approach, combined with multiple updates and revisions to the regulations, makes the current regulatory guide outdated. The NRC developed and issued the three volumes of NUREG-1757 to supersede the regulatory guide and provide both the licensees and NRC staff with current guidance.

As part of the NRC's development of NUREG-1757, the staff reviewed the numbers and types of licenses issued by the Commission and determined that the majority of licensees were those that used and possessed sealed sources or relatively limited amounts of unsealed radioactive material. Because of the amounts, forms, and types of radioactive material used by these licensees, it did not appear that most would need to submit extensive decommissioning plans or perform complex remedial activities to decommission their facilities and terminate their license in accordance with NRC criteria.

However, certain licensees will need to submit information regarding either (1) the status of their facilities when they request license termination, or (2) the activities that they intend to use to remediate their facilities. The type of information required could range from a very simple description of the radiological status of a facility and the disposition of radioactive material possessed by a licensee to a far more detailed discussion of a licensee's specific plans. For example, in the case of a licensee who proposes license termination under restricted conditions, the agency will require very detailed descriptions of institutional controls, dose estimates to potential future critical groups, and arrangements to ensure that adequate financial assurance mechanisms are in place at license termination in the form of a detailed decommissioning plan.

2. Objective

Based on the above, the NRC staff determined that the best approach would be to detail the types of information needed to evaluate proposed decommissioning activities and then tailor the information needed from the licensees based on the complexity and safety significance of the decommissioning project. Volume 1 of NUREG-1757 includes a more detailed discussion of the types of information required and the action necessary to decommission various facilities.

The objective of this action is to provide clear and up-to-date information to support an application for decommissioning and termination of a materials license and to comply with the radiological criteria for license termination in Subpart E of 10 CFR Part 20.

3. Alternative Approaches

The NRC staff considered the following alternative approaches:

- Do not revise Regulatory Guide 3.65.
- Withdraw Regulatory Guide 3.65.
- Revise Regulatory Guide 3.65 to match or replace NUREG-1757.
- Revise Regulatory Guide 3.65 to endorse NUREG-1757.

3.1 Alternative 1: Do Not Revise Regulatory Guide 3.65

Under this alternative, the NRC would not revise this document and the original version of this regulatory guide would continue to be used. However, this alternative would leave conflicting guidance in place and could cause unnecessary confusion. This alternative is considered the baseline or “no action” alternative and, as such, involves no value/impact considerations.

3.2 Alternative 2: Withdraw Regulatory Guide 3.65

Withdrawing this regulatory guide would eliminate the duplicative and somewhat contradictory information that currently exists in NUREG-1757 and the current version of Regulatory Guide 3.65. However, this action would leave a void in the regulatory guide system and provide no logical manner for stakeholders or interested parties to identify the method(s) the NRC finds acceptable for decommissioning and terminating a materials license. Although this alternative would be relatively low cost, it may impede the public’s accessibility to the most current information.

3.3 Alternative 3: Revise Regulatory Guide 3.65 to Match or Replace NUREG-1757

NUREG-1757 is a three-volume document first published in September 2003 to provide guidance for decommissioning and license termination in accordance with the NRC’s license termination rule in Subpart E of 10 CFR Part 20. Revising Regulatory Guide 3.65 to match the existing NUREG would create duplicate sources of information and would require future staff resources to ensure that the separate documents continue to contain duplicate information. Revising this regulatory guide to replace the NUREG would involve a large expenditure of labor without a noticeable enhancement in performance or efficiency for the NRC or its licensees. This alternative is considered to be an unnecessary use of staff resources.

3.4 Alternative 4: Revise Regulatory Guide 3.65 to Endorse NUREG-1757

The August 1989 version of the regulatory guide does not represent a method that is acceptable to the NRC to satisfy the requirements of 10 CFR Parts 30, 40, 60, 61, 63, 70, and 72. Failure to revise the regulatory guide will result in conflicting guidance documents and possible confusion to interested parties. Therefore, the staff has opted to revise the regulatory guide to direct any interested parties to the most current guidance, which is provided in NUREG-1757.

4. Conclusion

Based on this regulatory analysis, the staff recommends that the NRC revise Regulatory Guide 3.65 to endorse NUREG-1757, Volume 1. The staff has concluded that the proposed action will reduce unnecessary burden on both the NRC and its licensees and will result in an improved and more uniform process. Moreover, the staff sees no adverse effects associated with issuing this regulatory guide.

REFERENCES

1. U.S. Nuclear Regulatory Commission, "Consolidated Decommissioning Guidance: Decommissioning Process for Materials Licensees," NUREG-1757, Volume 1, Washington DC, most current date and revision.¹ (See <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1727/>.)
2. U.S. Nuclear Regulatory Commission, "Consolidated Decommissioning Guidance: Characterization, Survey, and Determination of Radiological Criteria," NUREG-1757, Volume 2, Washington DC, most current date and revision.¹ (See <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1727/>.)
3. U.S. Nuclear Regulatory Commission, "Consolidated NMSS Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness," NUREG-1757, Volume 3, Washington DC, most current date and revision.¹ (See <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1727/>.)

¹ The U.S. Nuclear Regulatory Commission published the three-volume NUREG-series identified herein. These volumes are available electronically through the Electronic Reading Room on the NRC's public Web site, at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/>. Copies are also available for inspection or copying for a fee from the NRC's Public Document Room (PDR) at 11555 Rockville Pike, Rockville, MD; the mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or (800) 397-4209; fax (301) 415-3548; e-mail PDR@nrc.gov. In addition, copies are available at current rates from the U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402-9328, telephone (202) 512-1800, or from the National Technical Information Service (NTIS), at 5285 Port Royal Road, Springfield, VA 22161, online at <http://www.ntis.gov>, by telephone at (800) 553-NTIS (6847) or (703)605-6000, or by fax to (703) 605-6900.