

December 10, 2007

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS – SECY-07-0177 – PROPOSED RULE:
DECOMMISSIONING PLANNING (10 CFR PARTS 20, 30, 40, 50,
70, AND 72; RIN: 3150-AH45)

The Commission has approved the staff's recommendation to publish the proposed amendments to 10 CFR Parts, 20, 30, 40, 50, 70, and 72 to improve decommissioning planning in the *Federal Register* for a 75-day public comment period, subject to the comments noted below.

Because of the complexity of this rulemaking, the staff should aggressively encourage public comments so that the decision on the final rule will appropriately consider all relevant issues and identify and resolve unintended consequences if they exist.

The staff should make further improvements to the decommissioning planning process by addressing remediation of residual radioactivity during the operational phase with the objective of avoiding complex decommissioning challenges that can lead to legacy sites. As such, the staff should engage stakeholders to develop a technical basis, possible dose limits, criteria for applying the dose limits to address this matter, or alternatives to the dose limits to address the intent of this objective. The technical bases will be a precursor to a proposed rule to include requirements for licensees to remediate residual radioactive contaminated areas and thereby minimize the creation of legacy sites. A formal rulemaking plan is not required, but staff should plan to complete the proposed rule following the normal budgeting process.

The staff should hold a workshop and invite stakeholders, including inviting State and local officials of non-Agreement States.

Specific comments on draft *Federal Register Notice* are below.

- 1) The draft *Federal Register Notice* under section II.A, "What Action is the NRC Taking", should be augmented to highlight that changes are being proposed in Part 50.82.
- 2) Page 61, Section V.(e) is a request for information from the public on radium-226 sites for use in the final Regulatory Analysis. This Section should be relocated to Section T as a specific issue staff is seeking public input to.
- 3) Page 88, 20.1501, include text in the appropriate Section of the draft *Federal Register Notice* or in the draft licensing guidance that offers an explanation of the meaning of the term "in a timely manner." or delete the term from the proposed rulemaking.
- 4) Page 117, Delete 50.82 (a)(4)(i)(B), cost of safe storage is addressed in 50.82 (a)(4)(i)(A), with conforming changes to the text of the draft *Federal Register Notice*.
- 5) Page 127, the redesignation of paragraphs (c) and (d) in proposed changes to 72.30 will require conforming changes to 72.13(c) "Applicability."

The Commission has approved the staff's proposal to release draft guidance documents concurrently with publication of the proposed rule.

The Commission applauds the staff for how it employed the use of questions to discuss the proposed amendments and encourages the staff to continue to develop future proposed rulemakings in this fashion.

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