



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

September 7, 2017

SECRETARY

MEMORANDUM TO: Victor M. McCree  
Executive Director for Operations

FROM: Rochelle C. Bavol, Acting Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS – SECY-17-0026 – POLICY  
CONSIDERATIONS AND RECOMMENDATIONS FOR  
REMEDiation OF NON-MILITARY, UNLICENSED HISTORIC  
RADIUM SITES IN NON-AGREEMENT STATES

The Commission has approved the staff's three recommendations associated with the remediation of the non-military, unlicensed historic radium sites in non-Agreement States. Specifically:

1. NRC monitoring under a memorandum of understanding with the U.S. Environmental Protection Agency (should an MOU become necessary) and, as appropriate, separate site-specific agreements at sites undergoing remediation through relevant, existing, State and Federal programs limited to the approaches described by the staff in SECY-17-0026.
2. Use of a risk-informed, graded approach to either license, work cooperatively with site owners using a letter of forbearance, or not pursue any further action.
3. Establishment of a new NRC fee-relief category for non-military sites contaminated due to historic uses of radium.

Although pursuing liability for potentially responsible parties under the Comprehensive Environmental Response, Compensation, and Liability Act may not be necessary for any of the sites assessed to date, the NRC staff should explore this option with EPA and the Department of Justice in the future, if warranted by the circumstances.

The staff should continue its outreach and coordination efforts and immediately engage the Commission should issues develop that impact our statutory mandate to ensure reasonable assurance of adequate protection.

In addition, the staff should provide semiannual status reports, through either Commissioners' Assistants Notes or Commissioners' Assistants Briefings, on NRC and Agreement State historic radium site activities in order to maintain the Commission's awareness of the program's progress. The semiannual updates should include a report on expenditures for the contract for analysis and fieldwork, and the development of criteria, which, if met, would trigger an evaluation of the appropriate winding down of activities under the contract and of any staff activities beyond a de minimis monitoring of long-term remediation.

cc: Chairman Svinicki  
Commissioner Baran  
Commissioner Burns  
OGC  
CFO  
OCA  
OPA  
ODs, RAs, ACRS, ASLBP (via E-Mail)  
PDR