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NUCLEAR REGULATORY COMMISSION
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Radiological Criteria for Decommissioning of NRC-Licensed Facilities; Enhanced Participatory Rulemaking, Availability of the Staff's Draft of the Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability of staff's draft proposed rule and summary of comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is conducting an enhanced participatory rulemaking on establishing the radiological criteria for the decommissioning of NRC-licensed facilities. The Commission has enhanced the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the staff developed the draft proposed rule. This document announces the availability of the staff's draft proposed rule as well as a summary of the comments provided to the NRC in response to its enhancement efforts.

DATE: The comment period expires March 11, 1994. Comments received after this date will be considered if it is practical to do so but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service

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Branch. Comments electronically transmitted through the BBS will automatically be forwarded to the Secretary of the Commission.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. Federal workdays.

Examine copies of comments received at: The NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: James C. Malaro, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3764. FAX (301) 492-3866.

SUPPLEMENTARY INFORMATION:

The Commission's enhanced participatory approach for this rulemaking was described in the notice of workshops published on December 11, 1992 (57 FR 58727). The Commission believes it is desirable to provide for early and comprehensive input from affected interests on important public health and safety issues, such as the development of radiological criteria for decommissioning.

The Commission obtained comments on the scope, issues and approaches that must be addressed in establishing the radiological criteria for decommissioning through a series of workshops (57 FR 58727; December 11, 1992), generic environmental impact statement (GEIS) scoping meetings (58 FR 33570; June 18, 1993), a dedicated electronic bulletin board system (BBS) (58 FR 37760; July 13, 1993) and written submissions. A summary of these early comments received on this rulemaking, NUREG/CR-6156, and a copy of the staff's draft rule have been provided to NRC Agreement States, workshop participants, and other interested parties upon publication of this notice of availability.

Interested parties may obtain single copies of NUREG/CR-6156 and the staff's draft rule by any of the three following methods:

1. Downloading the files from the BBS;
2. Requesting a copy from Ms. Roberta Gordon, Mail Stop NLS/139, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3746; FAX (301) 492-3866; or
3. Inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Copies of NUREG/CR-6156 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 for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

The Commission will accept comments on the NUREG/CR-6156 and the staff's draft rule in electronic format through the BBS or in written format. Comments may be submitted electronically, in either ASCII text or Wordperfect format, by calling the NRC enhanced participatory rulemaking electronic bulletin board at (800) 880-6091. The bulletin board can be accessed using generally available communications software, with communication protocol setting of no parity, 8 data bits, 1 stop bit (N,8,1) and ANSI or VT-100 terminal emulation. Background documents on the rulemakings are also available for downloading and viewing on the bulletin board. For more information call Ms. Christine Daily, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3999; FAX (301) 492-3866.

The NRC staff has considered the comments received in the development of the staff's draft rule. The availability of the staff's draft rule provides yet another opportunity for public comment early in this rulemaking.

The normal process for conducting Commission rulemakings is the following sequence: NRC staff development of a draft proposed rule for Commission review and approval; publication of the proposed rule for public comment; consideration of the comments by the NRC staff; and preparation of a draft final rule for Commission approval. In this enhanced participatory rulemaking, not only have comments been solicited before the NRC staff prepared the draft proposed rule and the NRC staff discussed the issues with affected interests at public meetings, but an additional opportunity for public comment is being solicited during the preparation of the draft proposed rule. The preliminary views expressed in the staff's draft rule may change in light of comments received. In any case, there will be an opportunity for additional public comment in connection with any proposed rule that may be developed by the Commission. After the Commission review and approval of the draft proposed rule that is developed using the comments provided, the general process of issuing the proposed rule for public comment, NRC staff evaluation of comments, and preparation of a draft final rule for Commission approval, will occur.

Dated at Rockville, Maryland, this 27th day of January, 1994.

For the Nuclear Regulatory Commission.

Bill M. Morris

Bill M. Morris, Director,
Division of Regulatory Applications,
Office of Nuclear Regulatory Research.