



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

December 22, 1994

Mr. James M. Friedman, Esq.
Benesch, Friedlander, Coplan
and Aronoff
2300 BP America Building
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Dear Mr. Friedman:

I am writing to call to your attention a recent rulemaking action that could significantly affect the Nuclear Regulatory Commission's regulatory framework for removal of facilities from the Site Decommissioning Management Plan (SDMP).

On August 22, 1994, NRC proposed a rulemaking to establish radiological criteria for the decommissioning of former nuclear facilities affected by residual radioactive contamination (59 FR 43200). NRC has recognized that lack of defined radiological criteria for decommissioning has sometimes acted as a disincentive to site remediation for owners of sites listed on the SDMP. The intent of this rulemaking is to provide a clear and consistent regulatory basis for determining the extent to which lands and structures must be remediated before a site can be considered decontaminated and thereby eligible for release for unrestricted use. The rulemaking would establish specific criteria that would apply to residual radioactivity resulting from the possession or use of source, byproduct and special nuclear material at facilities currently or formerly licensed by NRC, including SDMP sites.

The proposed criteria would not apply to sites already covered by a decommissioning plan approved by the Commission before the effective date of the rule. Until the new criteria are in place, NRC intends to proceed with site decommissioning on a site-specific basis considering existing criteria coupled with the concept that residual radioactivity should be as low as reasonably achievable (ALARA). Decisions concerning residual radioactivity will continue to be made as necessary during the pendency of this rulemaking process. NRC is accepting comments on the proposed rule until January 20, 1995. The comment period has been extended from the date in the enclosed Federal Register notice to afford additional opportunity for public comment.

In order to ensure that all facilities listed on NRC's SDMP are aware of the promulgation of the proposed rule on decommissioning criteria, I am enclosing a copy of the Federal Register notice of August 22, 1994.

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Horizons Distribution List for Letter dated 12/22/94

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