

447-1
PDR
007



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

JUL 12 1994

MEMORANDUM FOR: Donald A. Cool, Chief
Radiation Protection and Health
Effects Branch
Division of Regulatory Application
Office of Nuclear Regulatory Research

FROM: John H. Austin, Chief
Low-Level Waste and Decommissioning
Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

SUBJECT: RECORD RETENTION RULEMAKING

In response to your memorandum dated June 30, 1994, we reviewed your proposed record retention rulemaking. We would expect that the proposed wording would be difficult to enforce, since there would be a questionable basis for requiring former licensees to meet our requirements. It would also be difficult for a former licensee to have complete knowledge on all of the subsequent licensed activities that may take place under the jurisdiction of other companies. We suggest the following wording to replace that proposed:

"If the licensee transfers possession of all licensed material to a new licensee, performing licensed activities at the same location, the licensee shall transfer all records, described in this paragraph, to the new licensee."

An alternative would be for the previous licensee to transfer the applicable records to the NRC for retention. However, this would place an additional recordkeeping burden on the NRC. Note that under the new NRC records retention policy, not all the records, described under the regulations you propose to change, would be kept by the NRC in perpetuity. We don't recommend this option.

Under 10 CFR 20.2103, do records under paragraphs (b)(1), (b)(2), and (b)(3) need to be transferred?

Should the proposed wording also be included in 10 CFR 72.30 and 72.80?

Note also that if licenses are terminated, and new licenses do not continue operations at the same location, records of effluent releases, for example, would not be required to be retained by former licensees. We assume that the desired thrust of the proposed rule would be to address only those cases where licensed activities continue at the same location, either by the same company, or by another, under a new license.

9407280247 XA

RES-20-6

Donald A. Cool

- 2 -

If you have any questions, please contact T.C. Johnson at 415-7299.

John H. Austin

John H. Austin, Chief
Low-Level Waste and Decommissioning
Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards