



40-8724

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

December 21, 1994

Mr. David R. Sargent, Vice President
Chemetron Corporation
2100 New River Center
200 East Las Olas Boulevard
Fort Lauderdale, FL 33301

SUBJECT: TIMELINESS IN DECOMMISSIONING NUCLEAR MATERIALS FACILITIES AND
PROPOSED CRITERIA FOR DECOMMISSIONING NUCLEAR FACILITIES

Dear Mr. Sargent:

I am calling to your attention two recent rulemaking actions that could significantly affect the U.S. Nuclear Regulatory Commission's regulatory framework for decommissioning licensed nuclear facilities. On July 15, 1994, the NRC published, in the Federal Register (59 FR 36026), its final rule requiring the timely decontamination and decommissioning of nuclear material facilities licensed by the Commission. The final rule amends NRC's regulations at 10 CFR Parts 30, 40, 70, and 72 to ensure that facilities possessing radioactive materials licenses that were issued pursuant to these regulations clearly understand their responsibility to decommission their facilities in a timely manner. The rule was developed because the lack of definitive criteria establishing when licensees should commence decommissioning operations has resulted in instances where NRC has had to resort to issuing orders to establish schedules for the decommissioning of nuclear materials facilities.

The rule is intended to reduce the risk to the public health and the environment from radioactive material remaining at licensed nuclear facilities for long periods of time after licensed activities have ceased. Licensees should review the new regulations for applicability to their site. NRC recognizes that, currently, some licensees may not have access to adequate disposal capacity for much, or all, of the radioactive waste generated by their decommissioning activities. In general, NRC does not anticipate that licensees will delay decommissioning because of the lack of disposal capacity and expects licensees to make every effort to dispose of their decommissioning waste at available radioactive waste disposal facilities. However, in some cases, it may be more appropriate for licensees to delay decommissioning because of unique circumstances at their facilities. In these cases, licensees should contact the NRC staff to discuss these circumstances prior to deciding whether to delay decommissioning their facility. Licensees should then provide any required notifications for alternative decommissioning schedules or waste disposal plans, or contact the NRC staff to further discuss the unique circumstances at inactive facilities.

In addition, on August 22, 1994, NRC proposed radiological criteria for decommissioning licensed nuclear facilities (59 FR 43200). NRC recognizes that the lack of definitive radiological criteria for decommissioning has acted as a disincentive to Site Decommissioning Management Plan (SDMP)

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*D. Sargent

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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 final rule on decommissioning timeliness and the proposed rule on decommissioning criteria, we are enclosing copies of the Federal Register notices.

Please review the final and proposed rules and, if you have any questions, please contact me at 301-415-7299.

Sincerely,

(ORIGINAL SIGNED BY:)

Timothy C. Johnson, Section Leader
Materials Decommissioning Section
Low-Level Waste and Decommissioning
Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosures: As stated

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