

Basis for Withdrawal of Regulatory Guide

Regulatory Guide Number: 3.65 Revision 1 and Revision 0

Division Title: Standard Format and Content of Decommissioning Plans for Materials Licensees

Office/Division/Branch: NMSS/DUWP/URMDB

Technical Lead: James Smith

Subject: Basis for Withdrawal

1. What regulation(s) did the Regulatory Guides support?

Versions of Regulatory Guide (RG) 3.65 were issued in 1989 and 2008 to provide guidance on decommissioning leading to termination of a materials license. Licensees for decommissioning are required to demonstrate compliance with 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material"; 10 CFR Part 40, "Domestic Licensing of Source Material"; 10 CFR Part 60, "Disposal of High-Level Radioactive Wastes in Geologic Repositories"; 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste"; 10 CFR Part 63, "Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada"; 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material"; and 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High Level Radioactive Waste, and Reactor Related Greater than Class C Waste."

2. What was the purpose of the Regulatory Guide?

In May 2008, RG 3.65, Revision 1 was issued and identified and endorsed NUREG-1757, "Consolidated Decommissioning Guidance," Volume 1, "Decommissioning Process for Materials Licensees," as the NRC's consolidated and updated decommissioning guidance for the decommissioning of materials facilities licensed under 10 CFR Parts 30, 40, 70, and 72, (see <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1757/index.html>). Additionally, this RG endorsed the decommissioning process described in Volume 1 of NUREG-1757 as an acceptable process for meeting the regulatory requirements for decommissioning the ancillary surface facilities that support radioactive waste disposal activities licensed under 10 CFR Parts 60, 61, and 63.

3. How was the Regulatory Guide used in regulatory activities, particularly licensing reviews and inspections?

The staff used RG 3.65, Revision 1, to endorse the method described in NUREG-1757, Volume 1, to meet the requirements for the decommissioning of materials facilities licensed under 10 CFR Parts 30, 40, 70, and 72. Also, the staff used this RG to endorse the decommissioning process described in Volume 1 of NUREG-1757 as an acceptable process for meeting the regulatory requirements for decommissioning the ancillary surface facilities that support radioactive waste disposal activities licensed under 10 CFR Parts 60, 61, and 63.

4. Is this Regulatory Guide referenced in other technical or regulatory documents? What are the “ripple effects” on this document if the RG is withdrawn?

RG 3.65, Revision 1, is not referenced in other documents. No ripple effects are anticipated by withdrawing this RG because NUREG-1757 has been the primary guidance document used by the NRC staff and applicants for the “Standard Format and Content of Decommissioning Plans for Materials Licensees.”

5. Why is the Regulatory Guide no longer needed (e.g. what is the rationale for withdrawing this Regulatory Guide instead of revising it)?

Since RG 3.65, Revision 1 refers only to NUREG-1757, with no further documentation or staff positions, licensees could use the original version of NUREG-1757, referenced in RG 3.65, Revision 1, and could erroneously address outdated technical issues. Therefore, the staff determined that RG 3.65, Revision 1 should be withdrawn.

6. What guidance is available once the Regulatory Guide is withdrawn?

Although RG 3.65 will be withdrawn, NUREG-1757 remains and is being updated periodically. For example, since the RG 3.65, Revision 1 was issued in 2008, there have been revisions to NUREG-1757, such as Volume 1, Revision 2, “Consolidated Decommissioning Guidance: Decommissioning Process for Materials Licensees,” September 2006; Volume 2, Revision 2, “Consolidated Decommissioning Guidance: Characterization, Survey, and Determination of Radiological Criteria,” July 2022; and Volume 3, Revision 1, “Consolidated NMSS Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness,” February 2012.

7. Is this Regulatory Guide included in any of the licensing basis documents? If yes, what would be the implications?

The staff is unaware of any licensing basis referring to RG 3.65, Revision 1, in any licensing basis document.

8. Do other agencies rely upon the Regulatory Guide, e.g., the Agreement States, National Aeronautical and Space Administration, and Department of Energy?

The staff is unaware of any other agency that uses or relies on the guidance included in RG 3.65, Revision 1.