

December 9, 1996

MEMORANDUM TO: James M. Taylor  
Executive Director for Operations

FROM: John C. Hoyle, Secretary /S/

SUBJECT: STAFF REQUIREMENTS - SECY-96-082 - EPA PROPOSED RULE AND SCHEDULING ISSUES RELATED TO PREPARATION OF A FINAL RULE ON RADIOLOGICAL CRITERIA FOR LICENSE TERMINATION

The Commission has approved Option 1 as outlined in SECY-96-082 and subject to the points in the Commission's November 15, 1996 letter to Ms. Sally Katzen of OMB. The staff should issue the final rule as expeditiously as possible and, if needed, delay the issuance of related guidance documents, should that be necessary. Staff should submit guidance documents to the Commission within one year of submitting the final rule to the Commission.

(EDO)

(SECY Suspense: 2/28/97)

Based on a review of the public comments on the proposed rule, it is the Commission's preliminary view that the proposed cleanup standard of a 15 mrem per year dose limit to an individual warrants reconsideration since there may be no clear technical or public health basis for the limit. The staff should evaluate dose rates greater than 15 mrem/yr and determine a dose standard that can be justified on a health and safety basis and supported by a cost/benefit analysis. The cost-benefit analysis should be based on the same methodology (i.e. a discounted cash-flow analysis using \$2,000/person-rem for relating acceptable expenditure to averted dose) that is used in the regulatory analysis for other NRC regulations. The staff should address whether, and/or how the ALARA concept should be applied to the cleanup standard that is recommended.

Also based on a review of the public comments, the Commission:

- (1) approves the staff's proposal to remove the separate groundwater standard from the final rule;
- (2) requests the staff to consider and advise on the use of 100 mrem/yr to an individual as a dose limit (or cap) in the event that institutional controls fail at a decommissioned site when the final rule is submitted for Commission approval; and,
- (3) generally supports greater reliance on institutional controls on a case-by-case basis but the staff should provide further analysis and evaluation of the possible implications. The staff should determine 1) ways to mitigate potential long-term cost increases, 2) the effect that institutional controls might have on other NRC regulations and policies, and 3) the role DOE may have in providing long-term oversight of these sites. If the staff recommends that institutional controls are appropriate, they should be included in the proposed final rule when it is submitted to the Commission for approval.

The Commission will consider the staff's evaluation of the public comments and the staff's recommendations on these and other issues before making a final decision on this rule.

cc: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
OCA  
OIG