

November 7, 1997

MEMORANDUM TO: L. Joseph Callan Executive Director for Operations
Karen D. Cyr, General Counsel

FROM: John C. Hoyle /s/

SUBJECT: STAFF REQUIREMENTS: SECY-97-188 - FORMERLY LICENSED SITES IDENTIFIED FOR FURTHER INVESTIGATION IN AGREEMENT STATES

The Commission approved the staff's proposal to revise its approach for follow-up on formerly licensed sites identified for further investigation in Agreement States by discontinuing detailed reviews of license files and inspections for sites in Agreement States, referring identified cases directly to Agreement States for follow-up investigation, and to hold the Agreement States responsible for addressing remediation of those sites where excessive contamination is confirmed by inspection (option 3). To minimize the reporting burden on the States, reports to the NRC on the status and closeouts of such sites can be in the form of short summaries or copies of pertinent correspondence. However, the Commission believes that State actions in these cases should not affect findings of adequacy under the Integrated Materials Performance Evaluation Program unless there is a clear, significant threat to public health and safety resulting from the lack of appropriate State action. The staff should make appropriate revisions to the proposed All Agreement States letter addressing this subject.

(EDO)

(SECY Suspense: 11/17/97)

In parallel with implementing this decision, the staff is directed to work with the Agreement States to identify a mutually acceptable mechanism to provide Federal assistance to the Agreement States, such as a general fund appropriation outside the NRC fee base, in dealing with these cases. In that regard, the staff should consider how similar funding was made available to Agreement States in the Uranium Mill Tailings Radiation Control Act of 1978 and seek input from the Agreement States on the degree to which they would support such an "appropriated funds" approach. When providing to the Commission any options that the NRC should consider in providing additional assistance to the Agreement States on this issue, the staff should also provide any available information regarding the estimated number of sites and Agreement States affected, typical regulatory efforts to ensure appropriate remediation and the associated costs, and any difficulties experienced by NRC and the Agreement States in attempting to require further remediation of these sites.

(EDO/OGC)

(SECY Suspense: 1/12/98)

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
CIO
CFO
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (by E-Mail)
PDR
DCS

SECY NOTE: This SRM, SECY 97-188, and the Commission Voting Record will be made publicly available 5 working days from the date of the final SRM.