

May 11, 2004

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS - SECY-04-0035 - RESULTS OF THE  
LICENSE TERMINATION RULE ANALYSIS OF THE USE OF  
INTENTIONAL MIXING OF CONTAMINATED SOIL

The Commission has approved Option 3; the staff can consider the intentional mixing of contaminated soil to meet the release criteria in the License Termination Rule (LTR), on a case-by-case basis while continuing the current practice of allowing intentional mixing for meeting waste acceptance criteria (WAC) at offsite disposal facilities and for limited waste disposals.

The staff should modify the Regulatory Issue Summary and guidance documents, currently under development to address other LTR issues, to include the Commission's decision on intentional mixing.

Contrary to the staff suggestion that the Commission be consulted, the staff should make decisions regarding sites where the licensee proposes to use clean soil outside the contaminated area footprint to meet the LTR release criteria.

The staff should continue working with the Environmental Protection Agency (EPA) on its Advanced Notice of Proposed Rulemaking, on management of low-activity radioactive waste disposal at certain EPA sites, to determine the implications of intentional mixing of contaminated soil, particularly using the mixing so as to meet WAC at a disposal site.

cc: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR