



Felix M. Killar, Jr.
Director
Material Licensees and Nuclear Insurance
Tel: (202) 739-808126
Fax: (202) 533-0157
E-mail: fmk@nei.org

April 14, 2000

Mr. Theodore S. Sherr
Chief, Regulatory and International Safeguards Branch
U.S. Nuclear Regulatory Commission
Two White Flint North 8A33
Washington, D.C. 20555

**Reference: Comments on the March 2000 Draft Version of NUREG-1520
'Standard Review Plan for the Review of a License Application
for a Fuel Cycle Facility': Chapter 10 - Decommissioning**

Dear Mr. Sherr:

The Nuclear Energy Institute (NEI)¹ and its industry members have reviewed the March 2000 revision of draft Standard Review Plan (SRP) Chapter 10 entitled 'Decommissioning'. Time has not permitted a comprehensive clause-by-clause review of this latest revision, but we have attempted to identify any significant, outstanding issues of concern. We have examined how the staff has addressed issues raised by NEI in its letter to you dated September 9, 18, 1999 on the previous version of Chapter 10 (May 1999). We have also taken into consideration discussions that took place at the February 9-10, 2000 NRC Public Meeting ('*Comment Resolution on Part 70 Standard Review Plan*').

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

NEI appreciates the opportunity to have been able to review the March 2000 revisions to draft NUREG-1520 chapters. We are encouraged by the ongoing

Mr. Theodore S. Sherr
U.S. Nuclear Regulatory Commission
April 14, 2000
Page 2

resolution of industry concerns and with other improvements that have been made to this guidance document. We look forward to working with you and your staff at the upcoming April 18-19, 2000 NRC Public Meeting on NUREG-1520 to continue these discussions.

Please feel free to contact me should you have any questions concerning the proposed improvements in the attachment to this letter.

Sincerely,

Felix M. Killar, Jr.
Director, Material Licensees and Nuclear Insurance

c. Mr. Marvin S. Fertel
Dr. William F. Kane, Director NMSS

REVIEW OF MARCH 2000 REVISION OF NUREG-1520
CHAPTER 10: DECOMMISSIONING

General Comments:

Draft SRP Chapter 10 reads well and appears to provide clear and reasonable guidance for evaluating Decommissioning Funding Plans (DFPs) and Decommissioning Plans (DPs). The guidance directs the reviewer to consult a new, but as yet unpublished, NUREG guide entitled '*NMSS Decommissioning Program Standard Review Plan*.' The contents of this NUREG are unknown. However, based on removal of three references to DFP assessment in the March 2000 revision of Chapter 10 (NUREG-1337, Reg. Guide 3.66, Guidance Directive FC 90-2), we conclude that the new NUREG will provide guidance to evaluate both DFPS and DPs. Industry is unable to comment on the adequacy of this new NUREG guidance document. However, we strongly support the approach adopted in Chapter 10 of referring the reviewer to supplemental guidance rather than trying to reproduce that guidance in NUREG-1520. Industry is in agreement with the SRP's direction to a reviewer to examine an applicant's commitments to undertake various activities rather than to solicit voluminous, detailed information on how they will be executed.

Outstanding Issues of Concern

- NUREG-xxxx:

The only potential issue of concern is the acceptability of guidance on decommissioning that will be included in the new, but as yet, unpublished NUREG guide entitled '*NMSS Decommissioning Program Standard Review Plan*.' Industry looks forward to receiving this new guidance document when it is completed.

- Terminology Consistency and English Expression:

Acronyms should be defined when they are first used in the chapter. Three such definitions are recommended:

- (i) §10.1 (1st sentence, 2nd paragraph): Decommissioning Plan (DP)
- (ii) §10.5 (1st sentence, 2nd paragraph): Request for Additional Information (RAI)
- (iii) §10.6 (2nd sentence, 1st paragraph): Safety Evaluation Report (SER)

Specific Concerns:

- §10.1 ('Purpose of Review'):
 - (i) A DP is not required in all cases under 10 CFR 70.38(g). This provision specifies submittal of a DP only if required by license condition or if procedures and activities necessary to carry out

D&D of the site have not been previously approved by the NRC and these procedures could cause an increase in potential health and safety impacts to worker or the public. 1st sentence should be revised to read: "...*Before the initiation of decommissioning actions, the licensee must submit a DP to the NRC for approval, if required by 10 CFR 70.38(g)...*"

- (ii) 2nd sentence: for consistency, add reference to public protection: "...*procedures to protect workers, the public and the environment...*"
- (iii) recommend breaking the 2nd sentence into two shorter sentences (each of which expresses a different idea): "...*It must provide sufficient information to allow...*"
- (iv) 5th sentence: for consistency revise this sentence to read: "...*procedures, and commits to the protection of the health and safety of workers, the public and the environment during decommissioning...*"
- (v) recommend including a general statement in the introduction that Chapter 10 provides guidance for evaluation of both DFPs and DPs.