Approve with attached comments.
Ellis Jeffery Jr.
6/27/00

RULEMAKING ISSUE

(NEGATIVE CONSENT)

June 12, 2000 SECY-00-0129

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: WORKSHOP FINDINGS ON THE ENTOMBMENT OPTION FOR DECOMMISSIONING POWER REACTORS AND STAFF RECOMMENDATIONS ON FURTHER ACTIVITIES

PURPOSE:

To provide the findings from a public workshop on the entombment option for decommissioning power reactors and the staff's recommendation on whether or not to pursue further activities related to entombment.

BACKGROUND:

In response to COMSECY-96-068, April 3, 1997, the Commission requested the staff to provide an analysis of whether the staff viewed entombment as a viable decommissioning option. In SECY-98-099, May 4, 1998, the staff provided an interim status report to the Commission and stated their preliminary conclusion that entombment appeared to be a viable decommissioning option. In SECY-99-187, July 19, 1999, the staff informed the Commission of the technical viability of entombment as a decommissioning option for power reactors. The staff concluded that decommissioning a power reactor using the entombment option can be safe and viable for many situations, and that it could offer benefits to licensees by providing them with more choices to accommodate their particular decommissioning situation. However, as also noted, the 60-year provision in 10 CFR 50.82(a)(3) for completion of decommissioning would need to be revised to reflect the period of time required for reduction in dose to meet the license

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Commissioner McGaffigan's Comments on SECY-00-0129

I have no objections to the staff proposal to proceed with the development of a Rulemaking Plan to address the entombment option for power reactors, and I offer the following comments for the staff's consideration.

I am concerned that, because no resources are budgeted for these activities, the staff intends to address the priority, resources and schedule through internal reprogramming; and that, since NRC has not received a license amendment request for the entombment option, "entombment" would likely be ranked as a low priority issue and the opportunity to resolve it on a generic basis might be missed. Moreover, it is not clear that issuance of an Advanced Notice of Proposed Rulemaking is the best use of scarce agency resources. Instead, I suggest that in developing the rulemaking plan the staff consider proceeding directly to further involve stakeholders through public meetings and use of the NRC web site and develop a proposed rule.

I also encourage the staff to closely coordinate this rulemaking with the ongoing efforts to update the generic environmental impact statement for the decommissioning of power reactors. I note that at the recent scoping meetings for updating the GEIS, entombment was one of the issues identified for inclusion in the scoping process. Several States, many licensees and industry representatives have expressed a desire to see entombment included among the viable decommissioning options. Therefore, I strongly encourage the staff to include the entombment option in the GEIS recognizing that not all entombment proposals can be forecast but that the GEIS would provide a bounding analysis on which to base many, if not all, agency decisions on future specific license amendment requests for entombment. I also encourage the staff to address the issue of entombing Greater Than Class C waste in order to provide another disposal option for this category of waste.