

December 21, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-99-168 - IMPROVING
DECOMMISSIONING REGULATIONS FOR NUCLEAR POWER
PLANTS

The Commission has approved the staff's recommendations in SECY-99-168, subject to the following comments.

Spent Fuel Pool Risk Assessment

The Commission approved the staff's plan and schedule for the completion of the spent fuel pool risk assessment. The staff should publish the draft study and risk objectives for decommissioning by January 2000 and submit them to the Commission and to the public for comment at that time.

(EDO) (SECY Suspense: 1/15/00)

The Advisory Committee on Reactor Safeguards (ACRS) should perform a technical review of the validity of the draft study and risk objectives, and any available public comments, and provide their views to the staff and the Commission.

(ACRS) (SECY Suspense: 3/15/00)

The staff should consider the views of the ACRS in the development of the final report. The staff should ensure that feedback received from stakeholders is provided to the Commission when the final technical report is issued in April 2000.

(EDO/ACRS) (SECY Suspense: 4/30/00)

The staff should ensure that it is clear to stakeholders how their input was considered in NRC processes so that their participation is maintained. In future efforts to risk-inform NRC regulations, the staff should incorporate lessons learned from the development of the spent fuel pool risk study on the most appropriate way to characterize and communicate to stakeholders any potentially conservative assumptions in its draft reports.

Single, Integrated Risk-Informed Decommissioning Rule

The Commission approved the development of a single, integrated, risk-informed decommissioning rule for emergency preparedness, insurance, safeguards, operator training and staffing, and backfit. In the development of an integrated rulemaking plan, the staff should take into account comments from NRC stakeholders received during the November 8, 1999,

Commission meeting and ensure all realistic scenarios for offsite consequences are appropriately considered during the rulemaking process. The issue of whether the proposed integrated decommissioning rule would be voluntary (and therefore not subject to backfit) or mandatory (and subject to backfit) should be discussed in the rulemaking plan.

(EDO)

(SECY Suspense:

5/30/00)

The staff should ensure that the NRC's regulatory activities in the area of safeguards and threat analysis are fully integrated and considered in the rulemaking plan and schedule.

The issue of whether the proposed integrated decommissioning rule would be voluntary or mandatory needs to be discussed with stakeholders and resolved prior to the submission of the proposed rule.

The staff should establish a more aggressive schedule for the integrated rulemaking and submit an integrated rulemaking plan by May 30, 2000.

Decommissioning Regulatory Improvement Initiative

The Commission approved Option 2 of the initiative for improving nuclear power plant decommissioning regulations including the decommissioning regulatory review, i.e., Phase 1 of the staff's plan. However, it is premature to select which of the alternatives presented would be the best approach for restructuring decommissioning requirements. Therefore, upon completion of Phase 1, the staff should obtain inputs from NRC stakeholders and present the Commission with a plan of action that identifies the costs and benefits of the recommended course of action, and provides a comprehensive summary of the legal ramifications of the recommendation, so that the Commission can make a fully informed decision.

(EDO)

(SECY Suspense:

7/15/00)

The staff should proceed expeditiously with these activities, adhering closely to the proposed deadlines or, if possible, beat them. The staff should notify the Commission immediately of any unexpected obstacles.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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