

October 11, 2000

ORGANIZATION: Nuclear Energy Institute

SUBJECT: SUMMARY OF PUBLIC MEETING WITH THE NUCLEAR ENERGY INSTITUTE (NEI) AND THE PUBLIC REGARDING POWER REACTOR DECOMMISSIONING ISSUES

On September 27, 2000, the NRC staff met with representatives of NEI and members of the public to inform and receive feedback about ongoing NRC efforts to determine the risk posed by permanently shutdown nuclear power plants and the status of NRC efforts to amend its regulations to properly reflect the risk posed by these facilities. The meeting agenda is provided in Enclosure 1. A list of attendees is provided in Enclosure 2.

NRC began the meeting by discussing the status of the spent fuel pool risk study (the draft version was issued February 2000, and is in ADAMS under Accession No. ML003683371). The NRC staff stated that the work on the spent fuel pool risk study continues. The current schedule is to complete the study and submit it to the Commission on October 31, 2000. Issues being addressed by the NRC that could affect the study conclusions include NEI's seismic frequency concern, a comment regarding the release of ruthenium, and consideration of a partial spent fuel pool draindown. To address the above concerns, seismic hazard curves for nuclear power plants generated by the Electric Power Research Institute and by Lawrence Livermore National Laboratory will be included in the evaluation of spent fuel pool failure probabilities, ruthenium will be considered in postulated releases, and partial draindown of the spent fuel pool will be addressed. NEI and members of the public were given an opportunity to ask questions regarding the spent fuel pool risk study. The NRC staff responded to the questions.

Next, NRC presented the status of the integrated rulemaking initiative, as described in SECY-00-145, "Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning" (ADAMS Accession No. ML003721626). The NRC staff stated that SECY-00-145 was submitted to the Commission on June 28, 2000. The rulemaking plan addresses emergency preparedness, insurance, security, staffing and training, and backfit. The rulemaking plan was based on conclusions of the draft spent fuel pool risk study, previously issued exemptions to NRC requirements, and codification of current Technical Specification requirements. The staff indicated that changes in the spent fuel pool risk study could result in changes to the proposed rulemaking plan which would be revised as necessary and resubmitted to the Commission. NEI and members of the public were given an opportunity to ask questions regarding the rulemaking plan. NEI stated that the proposed rulemaking plan was based on deterministic methods and did not consider reducing requirements based on risk. The NRC staff disagreed, stating that risk insights had been carefully considered in the plan. NEI mentioned that this may be a policy issue that will have to be decided on by the Commission.

Then, NEI presented comments on the Brookhaven National Laboratory report (ADAMS Accession No. ML003730203) which reviewed regulations to determine applicability to decommissioning. NEI stated that it was a thorough evaluation of the regulations applicable to decommissioning power reactors. NEI indicated that the Commission or Office of the General Counsel should determine which regulations are subject to misinterpretation and that the NRC should use the spent fuel pool risk study as a basis for modifying the regulations. NEI stated

that the regulations that needed to be changed are identified in the white paper it submitted on May 17, 2000 (ADAMS Accession No. ML003718357). NRC asked if regulations were to be changed by a few at a time, should the NRC focus on the regulations identified in the NEI white paper? NEI agreed.

Next, NRC summarized the regulatory improvement initiative rulemaking options currently under consideration. The staff has identified six options on how to proceed in the area of rulemaking once the spent fuel pool risk study is completed. The options range from no rulemaking activity to adding an entire new section to the regulations. The options were presented in a handout provided in Enclosure 3. The NRC staff explained that it is seeking comments on the proposed options from interested stakeholders, and is particularly looking for options not addressed. Persons or organizations that have comments on the options can contact Richard Dudley (301-415-1116; rfd@NRC.gov). The NRC staff stated that the regulatory improvement initiative will be submitted to the Commission 3 months after the spent fuel pool risk study is finalized. NEI and members of the public were given an opportunity to ask questions regarding the spent fuel pool risk study. The NRC staff responded to the questions.

Mr. Lochbaum, of the Union of Concerned Scientists, hand delivered a letter from Mr. Shadis, Friends of the Coast, to Dr. Masnik, Section Chief, Project Directorate IV & Decommissioning, Division of Licensing Project Management, on "Request for USNRC/Public Interest Stakeholder Meeting to Discuss Risk Informing Power Reactor Decommissioning Issues," dated September 27, 2000 (ADAMS Accession No. ML003755946). The meeting was then concluded.

/RA/

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Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 689

Enclosures: 1. Agenda
 2. Attendees
 3. Regulatory Improvement rulemaking options

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NEI/Public Meeting on Decommissioning Rulemaking

September 27, 2000

Purpose: To inform and receive feedback from interested industry representatives and members of the public about ongoing NRC efforts to determine the risk posed by permanently shutdown nuclear power plants and the status of NRC efforts to amend its regulations to properly reflect the risk posed by these facilities.

Outcomes:

- The NRC will inform the industry and public stakeholders of the status of NRC risk quantification and rulemaking efforts
- Industry and public stakeholders will provide their comments on the above topics to the NRC
- Industry will provide comments to NRC on the Brookhaven National Laboratory review of NRC regulations for proper applicability to permanently shutdown power reactors
- Industry and public stakeholders will comment on NRC rulemaking options for the decommissioning regulatory improvement initiative

Process:

1. Introductions and review of purpose/agenda 5 min
2. NRC discussion of status of spent fuel pool risk study (T. Collins) 15 min
3. Industry/public stakeholder comments/questions 15 min
4. NRC discussion of status of Integrated Rulemaking effort (W. Huffman) 5 min
5. Industry/public stakeholder comments/questions 10 min
6. Industry comments on Brookhaven report (NEI) 20 min
7. NRC/public stakeholder comments/questions 15 min
8. NRC summary of Regulatory Improvement Initiative rulemaking options (R. Dudley) 10 min
9. Industry/public stakeholder comments/questions 20 min
10. Summary of commitments/ Adjourn 5 min

Enclosure 1

POWER REACTOR
DECOMMISSIONING ISSUES MEETING
September 27, 2000
NRC Headquarters
Rockville, MD

ATTENDEES

<u>NAME</u>	<u>ORGANIZATION</u>
Brian Sheron	NRC/NRR
John Zwolinski	NRC/NRR/DLPM
Timothy E. Collins	NRC/NRR/DSSA
Stuart Richards	NRC/NRR/DLPM
Michael Masnik	NRC/NRR/DLPM
Richard Dudley	NRC/NRR/DLPM
Bill Huffman	NRC/NRR/DLPM
Mike Ripley	NRC/NRR/DLPM
David Wrona	NRC/NRR/DLPM
Carl Feldman	NRC/NRR/DLPM
Duke Wheeler	NRC/NRR/DLPM
Goutam Bagchi	NRC/NRR/DE
Falk Kantor	NRC/NRR/DIPM
George Mencinsky	NRC/NRR/DRIP
Dan Barss	NRC/NRR/DIPM
Med El-Zeftawy	NRC/ACRS
Stephen Lewis	NRC/OGC
J. E. Beall	NRC/OCM/EM
Scott Dam	BNFL
Dave Lochbaum	Union of Concerned Scientists
Altheia Wyche	SERCH Licensing/Bechtel
Ed Wenzinger	NUS
Jenny Weil	McGraw-Hill
P. J. Atherton	Public
A. J. Michaels	EPRI
Hugh Thompson	Sciencetech
Lynette Hendricks	NEI
Alan Nelson	NEI
Mike Meisner	MYAPC
A. E. Scherer	SCE
J. T. Reilly	SCE
Jerry Delezenski	Rancho Seco

Regulatory Improvement Initiative Options

For Options 1 - 3 below, the Integrated Rulemaking plan would not be pursued.

- Option 1: In the absence of any anticipated nuclear power plant decommissionings in the near term, suspend any further decommissioning rulemaking efforts at this time and divert the associated decommissioning section resources to higher priority agency needs. A regulatory guide discussing applicability of regulations and guidance for exemptions would be considered.

- Option 2: Pursue the NEI "clean slate" approach that is predicated on the risk of decommissioning nuclear power plants being so low that most regulations are not applicable. The minimum set of regulations necessary to preserve the assumptions of the TWG risk study would be identified and developed into prescriptive, predictable requirements.

- Option 3: Pursue a "performance-based, clean slate" approach that would develop a new performance-based regulatory framework for decommissioning that captures the seven cornerstones of good licensee performance. The upper-tier decommissioning regulations would be the minimum needed to preserve the conclusions of the TWG report (similar to the NEI approach) but would be oriented more towards performance measuring indicators and inspections.

The following Options (4 - 6) assume that the Integrated Rulemaking plan is implemented (although some modifications to the plan may be necessary depending upon the final results of the TWG risk study)

- Option 4: Proceed with the integrated rulemaking plan and discontinue any additional broad-scoped decommissioning regulatory improvement efforts.

- Option 5: Proceed with the integrated rulemaking plan, but for subsequent decommissioning regulatory improvement rulemaking, adopt an incremental approach. Develop a broad-scope plan of action over a multi-year time frame that identifies the regulations to be modified and

prioritizes them based on a combination of industry input and assessment against the four NRC pillars. Subsequent rulemaking will be accomplished sequentially in manageable increments based on the availability of staff resources and contract funds.

- Option 6: Modify, as necessary, all the regulations in 10 CFR applicable to decommissioning nuclear power plants (based on the BNL study and as otherwise necessary based on recent decommissioning experience) in one large rulemaking effort.

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