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To: Daniel Barss, Falk Kantor, Ira Dinitz, James O'... *NRR*
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Subject: Completeness of TWG effort for decommissioning rulemaking

Are we (SPLB) pushing the issue too much? Should we be the driving force?

From recent meetings with the TWG and EP branch discussing consequences, I question if the current work by the TWG will provide all the technical information that will be needed for rulemaking. This is due to the change in the safety finding that NRR will be making. This is true for the Insurance rulemaking as well. NEI and some of the Commission think we may be delaying rulemaking unnecessarily for the TWG effort to finish. We need to do everything possible now to make sure that after this technical effort, rulemaking can proceed.

To avoid having insufficient information for rulemaking in March, the output of the final rulemaking must be conceptualized now.

The safety determination made by NRR has changed from the plant-specific exemptions. It will not longer be "a zirconium fire is not possible," as it was for Haddam Neck and Zion. Given our current path is successful as planned, the TWG will provide a determination that there is **a low probability of a zirconium fire and reasonable assurance that it will not occur due to the defense in depth criteria**. The criteria, of course, have not been established yet but will include items to address the significant initiating events (seismic checklist, heavy loads actions, SFP monitoring).

How do we define

1a) Can the same EP reduction be allowed given the new safety determination of low probability and reasonable assurance that it will not occur due to the defense in depth criteria?

1b) Can insurance be reduced given a low probability and reasonable assurance that it will not occur due to the defense in depth criteria of a beyond design basis event?

If yes, then the information from the TWG should be sufficient for rulemaking. Life is grand.

If no, then the TWG product will not be sufficient and we need to define any additional work now...

What information will be needed? Provided below are some additional questions that have been discussed in meetings to help define what may be needed for the agency rulemaking.

We need to think "outside of the box" for our answers. Traditional criteria such as time to the release is difficult to answer and may be impossible for a generic EP rule. Are there surrogate criteria that can be used (due to decommissioning)?

For EP:

A) Is there a different level of emergency response that will be needed? Is a "general emergency" or "site area emergency" necessary now that there is a chance, however small, of public risk ?

B) Do we need to have criteria for the actions by the site, State and local gov't that would be needed to assess and perform an evacuation without the full EP? Are there items that were exempted for Zion and Haddam Neck that we would want licensees to keep until the "no zirconium fire" determination could be made?

C) What additional information would be needed ?

For Insurance:

A) NEI makes a probabilistic argument in their white paper (p.16) that certain events are not necessary to

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address. Do the insurance staffers agree with this?

B) What additional information would be needed?

If more work needs to be done, this will have to be a group effort to get the correct work underway quickly.

I would like to get back together to brainstorm the EP portion next week. I would like SPLB, SPSB, EP, and Projects to have members attend. How about anytime Tuesday or on Wednesday morning?

Diane

CC: Gary Holahan, George Hubbard, Glenn Kelly, John...