

September 18, 2001

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-01-0099 - RULEMAKING
PLAN AND ADVANCE NOTICE OF PROPOSED RULEMAKING:
ENTOMBMENT FOR POWER REACTORS

The Commission has approved the staff's rulemaking plan for potential development of a rule to allow entombment as a decommissioning option for power reactors. The Commission has approved publication of the Advance Notice of Proposed Rulemaking (ANPR) in the Federal Register subject to the changes noted in the attachment. Also, the staff should either revise the Federal Register notice to include a more substantial plain language discussion of the issue and options or include in the Federal Register notice a reference to another paper that provides a more in-depth plain language discussion. If the additional paper option is chosen, the paper should be easily retrievable by a member of the public (i.e. on the web) and should be available in a time frame which allows for public review and comment during the comment period allowed for the notice.

(EDO)

(SECY Suspense:

10/19/01)

The staff should assess the number of licensees that are likely to pursue entombment as a decommissioning option as part of the ANPR. This information should be considered by staff in formulating a recommendation on which option to pursue.

Attachment: Changed to the Federal Register Notice in SECY-01-0099

cc: Chairman Meserve
Commissioner Dicus
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

Attachment

Changed to the Federal Register Notice in SECY-01-0099

1. On page 4, last paragraph, revise line 2 to read ' ... in termination of ~~the~~ its license.'
2. On page 5, delete the sentence in lines 1 through 3 from the top (This collection of ... source term.)
3. On page 5, 1st full paragraph, revise line 4 to read ' ... prevent inadvertent ~~intruder exposures~~ intrusion into the containment (e.g., use ...'
4. On page 5, 2nd full paragraph, revise line 2 to read ' ... depends on ~~the~~ specific'
5. On page 5, last paragraph, revise line 6 to read ' ... other site-specific factors, such'
6. On page 6, paragraph 1, revise line 9 to read ' ... Part 20, Subpart E. ~~Thus, the~~, such that'
7. On page 7, last paragraph, revise line 1 to read ' ... this option is that ~~in some cases~~ current' Revise line 3 to read ' ... flexible ~~in some cases~~ to achieve' Revise line 4 to read ' ... regulating by exemption. Also, ~~additional resources would be requested to process the site-specific exemptions for extension of time~~ if' Revise lines 6 and 7 to read ' ... health and safety reasons ~~it may require additional resources to process the site-specific exemptions for extension of time~~. Another disadvantage'
8. On page 8, revise lines 3 and 4 from the top to read ' ... over the entombment. ~~For example, Therefore,~~ States and compacts have authority for disposal of LLW ; and ~~might~~ may prescribe means'
9. On page 8, 2nd full paragraph, revise line 7 to read ' ... acceptable for restricted ~~or unrestricted~~ release.'
10. On page 9, revise lines 1 and 2 from the top to read ' ... permits flexibility ~~in defining~~ of requirements ~~to meet~~ for a broad variety of possible situations, ~~which~~ . This would result in' Revise line 4 to read ' ... ~~than~~ compared to retaining a disposal license, as'
11. On page 9, 1st full paragraph, revise line 5 to read ' ... as in Option 1, is that ~~Option 2~~ it does' Revise line 11 to read ' ... entombment. ~~For example, Therefore,~~ States and compacts have authority for disposal of LLW and ~~might~~ may'
12. On page 9, last paragraph, revise lines 2 and 3 to read ' ... characterized as a disposal, rather than'
13. On page 10, last paragraph, revise the last 3 lines to read ' ... have ever been entombed, ~~and given the potential source term for a power reactor, setting performance objectives and~~ continuation of an NRC license would permit greater confidence that ~~the~~ dose criteria'

14. On page 11, paragraph 1, revise lines 1 through 3 to read ‘ ... does not terminate the license ~~and may raise questions as to why the radiological dose criteria for license termination alone are not adequate for protecting public health and safety.~~’ Revise lines 7 and 8 to read ‘ ... disposal facilities, ~~subject to~~ however, DOE’s has overall’
15. On page 13, paragraph 1, revise line 1 to read ‘ ... ~~The~~ Thus, the NRC is considering ~~that~~ approval of’ Revise line 2 to read ‘ ... entombment ~~be~~ based on a’
16. On page 13, combine paragraphs 1 and 2 into a single paragraph.
17. On page 13, last paragraph, delete the comma in line 2. Revise the last 2 lines to read ‘ ... to occupational workers ~~but these exposures can be maintained within regulatory limits.~~’
18. On page 14, delete the 1st full paragraph (Alternatively, it may be possible ... classified as LLW.)
19. On page 15, revise D.3 to read ‘ ... other issues ~~not covered above~~ for an’
20. On page 15, item D.4, line 2, move footnote 2 to after ‘categories’.