

D950317

The Honorable Ivan Selin
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Selin:

SUBJECT: PROPOSED RULEMAKING - REVISION TO 10 CFR PARTS 2,
50, AND 51 RELATED TO DECOMMISSIONING OF NUCLEAR
POWER REACTORS

During the 419th meeting of the Advisory Committee on Reactor Safeguards, March 9-10, 1995, we reviewed the proposed rule on decommissioning of nuclear power reactors. During our review, we had discussions with representatives of the NRC staff and the Nuclear Energy Institute. We had the benefit of the document referenced.

The proposed revision to the decommissioning rule appears to allow significant flexibility for different possible circumstances under which a nuclear plant may cease operation and transition into the decommissioning mode. The proposed revision to the rule reduces unnecessary burdens on both the licensees and NRC staff.

We believe that the proposed rule should be issued for public comment. We are concerned, however, that the proposed rule has not been founded on a risk basis. Realistic risk analyses for decommissioning nuclear power reactors have not been done. Consequently, there is no clear relationship between the requirements being retained in the revised rule and the realistic risks to the public health and safety and the environment posed by decommissioning. The revised rule may still impose unnecessary burdens on licensees and may make excessive demands on NRC resources. We hope that steps can be taken in the near future to establish a risk basis for reformulating 10 CFR Parts 2, 50, and 51. We believe this is an issue on which comment from the industry and the public should be sought.

Sincerely,

T. S. Kress
Chairman

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Reference:
Memorandum dated January 27, 1995, from Bill Morris, Director,

Division of Regulatory Applications, RES, to John Larkins,
Executive Director ACRS, forwarding Proposed Rule to Amend 10 CFR
Parts 2, 50, and 51