



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

January 28, 1991

The Honorable Robert C. Byrd, Chairman
Committee on Appropriations
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the Nuclear Regulatory Commission (NRC) in response to recommendations concerning the NRC which were in reports issued by the Comptroller General. It includes significant actions taken on the recommendations since our last summary report dated March 1, 1990. This summary is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970."

Sincerely,

Kenneth M. Carr
Kenneth M. Carr

Enclosure:
Summary of NRC Actions

cc: Senator Mark J. Hatfield

070002

9102070139 XA

910208

DF02
111



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

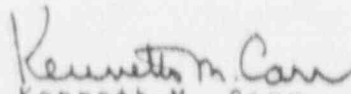
January 28, 1991

The Honorable Richard Darman
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Darman:

I am enclosing a summary of actions taken by the Nuclear Regulatory Commission (NRC) in response to recommendations concerning the NRC which were in reports issued by the Comptroller General. It includes significant actions taken on the recommendations since our last summary report dated March 1, 1990. This summary is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970."

Sincerely,


Kenneth M. Carr

Enclosure:
Summary of NRC Actions



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

January 28, 1991

The Honorable Charles A. Bowsher
Comptroller General of the United States
General Accounting Office
Washington, D. C. 20548

Dear Mr. Bowsher:

I am enclosing a summary of actions taken by the Nuclear Regulatory Commission (NRC) in response to recommendations concerning the NRC which were in reports issued by the Comptroller General. It includes significant actions taken on the recommendations since our last summary report dated March 1, 1990. This summary is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970."

Sincerely,

Kenneth M. Carr
Kenneth M. Carr

Enclosure:
Summary of NRC Actions



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

January 28, 1991

The Honorable Philip Sharp, Chairman
Subcommittee on Energy and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the Nuclear Regulatory Commission (NRC) in response to recommendations concerning the NRC which were in reports issued by the Comptroller General. It includes significant actions taken on the recommendations since our last summary report dated March 1, 1990. This summary is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970."

Sincerely,

Kenneth M. Carr
Kenneth M. Carr

Enclosure:
Summary of NRC Actions

cc: Representative Carlos Moorhead



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

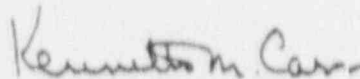
January 28, 1991

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the Nuclear Regulatory Commission (NRC) in response to recommendations concerning the NRC which were in reports issued by the Comptroller General. It includes significant actions taken on the recommendations since our last summary report dated March 1, 1990. This summary is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970."

Sincerely,


Kenneth M. Carr

Enclosure:
Summary of NRC Actions

cc: Representative James V. Hansen



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

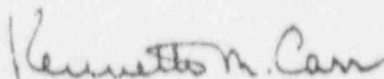
January 28, 1991

The Honorable Bob Graham, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the Nuclear Regulatory Commission (NRC) in response to recommendations concerning the NRC which were in reports issued by the Comptroller General. It includes significant actions taken on the recommendations since our last summary report dated March 1, 1990. This summary is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970."

Sincerely,


Kenneth M. Carr

Enclosure:
Summary of NRC Actions

cc: Senator Alan Simpson



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

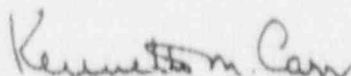
January 28, 1991

The Honorable John Conyers, Jr., Chairman
Committee on Government Operations
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the Nuclear Regulatory Commission (NRC) in response to recommendations concerning the NRC which were in reports issued by the Comptroller General. It includes significant actions taken on the recommendations since our last summary report dated March 1, 1990. This summary is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970."

Sincerely,


Kenneth M. Carr

Enclosure:
Summary of NRC Actions

cc: Representative Frank Horton



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

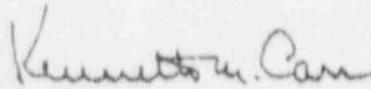
January 28, 1991

The Honorable John Glenn, Chairman
Committee on Governmental Affairs
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the Nuclear Regulatory Commission (NRC) in response to recommendations concerning the NRC which were in reports issued by the Comptroller General. It includes significant actions taken on the recommendations since our last summary report dated March 1, 1990. This summary is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970."

Sincerely,


Kenneth M. Carr

Enclosure:
Summary of NRC Actions

cc: Senator William V. Roth, Jr.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

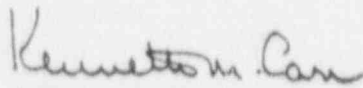
January 28, 1991

The Honorable Jamie L. Whitten, Chairman
Committee on Appropriations
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the Nuclear Regulatory Commission (NRC) in response to recommendations concerning the NRC which were in reports issued by the Comptroller General. It includes significant actions taken on the recommendations since our last summary report dated March 1, 1990. This summary is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970."

Sincerely,


Kenneth M. Carr

Enclosure:
Summary of NRC Actions

cc: Representative Silvio Conte

SUMMARY OF NRC ACTIONS

RESPONSE TO GAO REPORTS

	<u>Page</u>
1. NRC's Decommissioning Procedures and Criteria Need to be Strengthened	A-2
2. Stricter Controls Needed for Radioactive Byproduct Material Licenses	A-5
3. NRC's Restart Actions Appear Reasonable--But Criteria Needed	A-6
4. License Renewal Questions for Nuclear Plants Need to be Resolved	A-7

GAO Report - NRC's Decommissioning Procedures and Criteria
Need to be Strengthened
May 1989
(GAO/RCED-89-119)

Recommendation No. 1 (Chapter 5)

The GAO report recommended that NRC require licensees to specifically list in one document all land, buildings, and equipment involved with their licensed operations.

NRC Response - September 26, 1989

The NRC agreed with this recommendation. Our final decommissioning rule, approved by the Commission in May 1988, specifically requires licensees to keep in an identified location all records important to decommissioning. Such records include drawings of structures and equipment where radioactive materials are used or stored, documentation identifying the locations of inaccessible residual contamination, and detailed descriptions of spilled radioactive material. In addition, such records include identification and characterization of wastes that have been disposed of on site. Further, in response to the GAO recommendation, NRC will require licensees to specifically list in one document all land, buildings, and equipment involved with their licensed operations.

On September 28, 1989, the Office of Nuclear Material Safety and Safeguards (NMSS) requested the Office of Nuclear Regulatory Research (RES) to proceed with revision of existing rules to incorporate the GAO recommendation. The estimated completion date for this project is early 1992.

This GAO recommendation remains open.

Recommendation No. 2 (Chapter 5)

The GAO report recommended that NRC ensure that licensees decontaminate their facilities in accordance with NRC's guidance before fully or partially releasing a site for unrestricted use.

NRC Response - September 26, 1989

The NRC agreed. Our response reported that licensees are required to decontaminate their facilities in a safe manner prior to release for unrestricted use. We expanded the scope of our confirmatory surveys to verify that licensees adequately decontaminate their facilities in accordance with NRC's guidance and criteria. Our inspectors and agency contractors have been specifically trained and equipped to perform such verification surveys during

closeout inspections to confirm the accuracy of the licensees' surveys. In addition, the NRC committed to revise existing guidance to clarify the scope and rigor of verification surveys conducted to ensure that licensees decontaminate their facilities in accordance with our guidance before the NRC fully or partially releases a site for unrestricted use.

The preparation of this guidance is in progress, and it is scheduled to be issued in the fall of 1992.

This GAO recommendation remains open.

Recommendation No. 5 (Chapter 5)

The GAO report recommended that the NRC obtain and keep for more than 10 years decommissioning information such as licensee radiological surveys and certification of materials disposed, NRC's or other confirmatory surveys, and specifics on land, buildings, and equipment contaminated over the life of the license.

NRC Response - September 26, 1989

The NRC agreed and reported that earlier in 1989, the staff had initiated development of an agency-wide centralized program for permanent retention of records that document decommissioning activities. These records included the information recommended by GAO. NRC had developed a permanent retention schedule, which had been submitted for approval to the National Archives and Records Administration under the Federal Records Act.

On September 10, 1990, staff completed development of a plan for ensuring proper presentation and permanent retention of decommissioning records and other records of significant historical value. The staff is now working to implement this program.

We consider this GAO recommendation closed.

Recommendation No. 6 (Chapter 5)

The GAO report recommended that the NRC act expeditiously to issue regulations permitting issuance of orders to require additional cleanup activities after terminating a license and to ensure that there is a mechanism to enforce orders requiring such activities. GAO also recommended that, in the interim, the NRC should ensure that all contamination at a site has been cleaned up so that it is below the levels allowed in NRC's guidelines before releasing all or part of a site for unrestricted use.

NRC Response - September 26, 1989

The NRC responded that it has sufficient authority under section 161b of the Atomic Energy Act to issue orders to protect the public health and safety from radiation hazards caused by nuclear materials regulated by the NRC. Most former licensees have cooperated with the NRC in addressing decontamination concerns that have been identified after license termination. Nevertheless,

*- NRC reported that it was considering modification of the regulations to clarify procedures for issuing orders to persons against whom action should be taken on matters within NRC's jurisdiction, whether or not those persons hold licenses. This initiative should adequately address the purely procedural aspects of NRC's authority to issue orders, for example, to require additional cleanup activities after terminating a license. The Commission has approved procedural rules for publication and public comment. (See 55 FR 12370, April 3, 1990.)

The response also stated that if provided adequate resources, NRC planned to review the adequacy of decontamination at sites decommissioned since 1965. The project to review NRC docket files for the approximately 20,000 to 30,000 materials licenses that have been terminated and retired since 1965 was initiated in September 1990. A total of \$1,125K has been budgeted for this project, which is currently scheduled to be completed late in Fiscal Year 1992.

This GAO recommendation remains open.

GAO Report - Stricter Controls Needed for Radioactive
Byproduct Material Licenses
October 1988
(GAO/RCED-89-15)

Recommendation No. 2 (Chapter 3)

The GAO report recommended that the NRC finalize regulations that would provide at least a minimum level of financial assurance that licensees can pay for the cleanup of accidental spills and releases.

NRC Response - January 12, 1989

The NRC agreed that it would be desirable to complete this rulemaking, but noted that the licensees were already responsible for clean up following accidents and that the government would take protective action if there was an immediate threat to public health and safety. (The NRC had published an Advance Notice of Proposed Rulemaking (ANPRM) on June 7, 1985, and received a total of 159 comments. However, the Executive Director for Operations terminated this rulemaking on May 2, 1987, because commercially available financial mechanisms for such assurance were determined to be inappropriate.) The NRC also noted that new decommissioning regulations promulgated in 1988 improved assurance of financial responsibility for a number of major materials licensees.

In order to assess the need for the rulemaking, the NRC funded studies at the Sandia National Laboratory to assess the risks of accidents at materials facilities. Two study reports were produced: "A Preliminary Evaluation of the Economic Risk for Cleanup of Nuclear Material Licensee Contamination Incidents," NUREG/CR-4825; and "Economic Risk of Contamination Cleanup Costs Resulting from Large Nonreactor Nuclear Material Licensee Operations," NUREG/CR-5381. These studies show that most accidents having large cleanup costs are low probability events.

The results of these studies do not clearly justify proceeding with a rulemaking at this time based on health and safety consequences. Nevertheless, staff is developing an options paper for Commission consideration to resolve this issue. The target completion date for the paper is March 25, 1991.

This GAO recommendation remains open.

GAO Report - NRC's Restart Actions
Appear Reasonable -- But Criteria Needed
May 1989
(GAO/RCED-89-95)

Recommendation

The GAO stated that to ensure the safe restart of each nuclear power plant which has been shut down to correct safety and/or management problems, criteria should be developed that describe both NRC and utility actions that must be taken before allowing restart.

NRC Response - July 28, 1989

The NRC agreed with the GAO position. The NRC reported that the staff was planning to develop such criteria in fiscal year 1990. The new criteria were to be incorporated in Part 0500 of the NRC Manual.

Upon further consideration, the staff determined the NRC Inspection Manual to be a more appropriate location for this guidance. Inspection Manual Chapter 0350, Staff Guidelines for Restart Approval, was issued on March 23, 1990. This instruction establishes guidelines for approving restart of a nuclear power plant after a voluntary or involuntary shutdown as a result of a significant event, complex hardware problem, or serious management deficiency.

We consider this GAO recommendation closed.

GAO Report - License Renewal Questions
For Nuclear Plants Need to be Resolved
April 1989
(GAO/RCED-89-90)

Recommendation (Chapter 7)

GAO recommended that the NRC (1) accelerate the schedule for developing license renewal regulations and stipulate the basis that will be used to evaluate renewal applications and the types of information needed to support a request, and (2) resolve the outstanding technical, environmental, and procedural uncertainties.

NRC Response - June 30, 1989 Update

The Commission agreed that NRC should accelerate its efforts to resolve issues associated with license renewal and to resolve outstanding uncertainties. A public workshop on technical and policy considerations for nuclear power plant license renewal was held on November 13-14, 1989.

On July 17, 1990, the Commission published in the Federal Register a proposed rule on nuclear power plant license renewal, intended to become 10 CFR Part 54. The comment period closed on October 15, 1990. The extensive public comments received are under staff consideration. Publication of the final rule is scheduled for May 1991. Publication of a generic environmental impact statement and of revisions to 10 CFR Part 51 (NRC's Environmental Protection Regulations) are planned for April 1992.

This GAO recommendation remains open.