

9/7/99



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 19, 1999

COMSECY 99-029

MEMORANDUM TO:

Chairman Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

Approved w/o
Comment.

FROM:

William D. Travers
Executive Director for Operations

Frank J. Meraglia Jr.
8/30/99
10/5/99
DTR

SUBJECT:

CONTINUED STATE PRESENCE AT PERMANENTLY SHUT
DOWN NUCLEAR POWER FACILITIES UNDERGOING
DECOMMISSIONING

The Commission's policy on cooperation with States at commercial nuclear power plants and other nuclear production and utilization facilities (54 FR 7530, February 22, 1989)¹ established the general framework for the Nuclear Regulatory Commission (NRC) to enter into agreements with States to perform inspections for and on behalf of the NRC under the authority granted to the Commission in Section 274i of the Atomic Energy Act of 1954, as amended. Such an instrument of cooperation requires a formal memorandum of understanding (MOU) signed by the NRC and the State. The Commission's policy also created a uniform method for allowing State representatives to observe NRC inspections at nuclear power plants. Requests from States to observe inspections and/or inspection entrance and exit meetings conducted by the NRC require the approval of the appropriate Regional Administrator and require the State observer to sign an inspection observation protocol. Current instruments of cooperation with States have dealt primarily with inspections at operating nuclear power plants. The purpose of this memorandum is to inform the Commission how the staff intends to address continued presence by the States of Illinois, Connecticut and Maine at permanently shutdown nuclear power plants which are undergoing decommissioning within the framework established by the Commission's policy on cooperation with States. The staff has negotiated an addendum to the existing MOU with Illinois for inspections at shutdown plants in Illinois undergoing decommissioning. The staff has also drafted a letter to Connecticut and Maine to address continued State observation of NRC inspections at facilities undergoing decommissioning in those States.

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¹ The Commission amended the policy (57 FR 6493, February 25, 1992) to allow State representatives in adjacent States to observe NRC inspections at licensed facilities. An adjacent State is defined as a State within the plume exposure pathway emergency planning zone¹ of a licensed facility in another State.