

MEMORANDUM TO: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield

December 2, 1999

FROM: William D. Travers  
Executive Director for Operations

Original signed by

SUBJECT: CLARIFICATION OF COMMENTS MADE AT THE NOVEMBER 8, 1999,  
COMMISSION MEETING REGARDING REACTOR DECOMMISSIONING  
RULEMAKING

This memorandum provides additional information regarding Commissioner McGaffigan's question on backfit implications of new decommissioning regulations. In response to his question, the staff speculated that a possible outcome of the new integrated decommissioning rulemaking effort may afford a licensee a choice to implement revised regulations with some additional regulatory requirements not currently imposed by 10 CFR Part 50 or to follow the existing rules and seek plant-specific relief through license amendments or exemptions. We wish to clarify that the staff's position on backfit for new decommissioning regulations has not yet been determined. As the staff proceeds with the decommissioning regulatory improvement effort, we believe it would be premature to state that any additional requirements will be imposed on licensees during the decommissioning process. After the technical basis for regulatory decisionmaking for decommissioning is completed, the staff will develop proposed rules and will endeavor to reduce unnecessary regulatory burden as long as adequate protection to the public is maintained. When the entire scope of risks associated with decommissioning spent fuel pool accidents is well understood, we will be in a better position to evaluate what regulatory relief may be appropriate.

Thus, at this time our regulatory options remain open. We will continue to engage stakeholders in our deliberations and keep them informed of any regulatory implications resulting from our technical studies. We will make our recommendations to you on the regulatory options in our integrated decommissioning rulemaking plan to be submitted in May 2000.

cc: SECY  
OGC  
OCA  
OPA  
CFO  
CIO

CONTACT: Bill Huffman, NRR/DLPM/PDIV-D  
301-415-1141

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cc: SECY OPA  
 OGC CFO  
 OCA CIO

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 301-415-1141

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