

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook
Secretary of the Commission

FROM: COMMISSIONER DICUS

SUBJECT: SECY-99-168, "Improving Decommissioning Regulations for
Nuclear Power Plants"

Approved XX with comments Disapproved _____ Abstain _____

Not Participating _____ Request Discussion _____

COMMENTS:

See attached.



SIGNATURE


DATE

Entered on "AS" Yes x No _____

Chairman Dicus' comments on SECY-99-168

1. I am pleased that the staff has decided to risk-inform the technical bases for its decommissioning regulations. I also recognize and support the staff's approach of releasing a draft report to obtain early public review and comment. The staff should ensure that it is clear to stakeholders how their input was considered in our processes so that their participation is maintained. In future efforts to risk-inform our regulations, the staff should incorporate lessons learned from the development of the spent fuel pool risk study on the most appropriate way to characterize and communicate to stakeholders any potentially conservative assumptions in its draft reports.
2. I believe that the schedule proposed by the staff is not aggressive enough in improving our decommissioning regulations, given the amount of information available from previous studies. For example, I do not believe it is sufficient for the staff to merely publish a technical document assessing the risks from spent fuel pools, without sharpening the discussion by identifying potential regulatory issues. Therefore, in parallel with the completion of the technical study, the staff should develop draft regulatory positions on the key issues and assumptions identified by the study. For example, the staff could propose that it would be acceptable for licensees to use a checklist to address the seismic characteristics of their plants, or to use a checklist to address the configuration and instrumentation of their plants to ensure that the assumptions and analyses in the technical study remain valid. I believe that the staff should publish these draft regulatory positions when the technical report is issued for public comment in January 2000.
3. I believe that the ACRS should review the technical document and stakeholder comments, and provide its views to the Commission. In addition, the staff should ensure that feedback received from stakeholders is provided to the Commission when the final technical report is issued.
4. I approve the development of a single, integrated, risk-informed decommissioning rule for emergency preparedness, insurance, safeguards, operator training and staffing, and backfit.
5. I also approve Option 2 of the paper to perform a comprehensive regulatory review of Title 10, and to identify appropriate regulatory modifications to properly reflect the differences between operating and decommissioning nuclear power plants. I believe that it is too early to select from the alternatives within Option 2, and the staff should provide its recommendation as part of the rulemaking plan.


11-9-99