

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER DIAZ
SUBJECT: SECY-99-168 - IMPROVING DECOMMISSIONING REGULATIONS FOR NUCLEAR POWER PLANTS

Approved X in part *wd* Disapproved X in part *wd* Abstain _____
Not Participating _____

COMMENTS:

See attached comments. *wd*

Richard J. Diaz

SIGNATURE

7/13 /99

DATE

Entered on "AS" Yes X No _____

**COMMISSIONER DIAZ'S COMMENTS ON SECY-99-168 -- IMPROVING
DECOMMISSIONING REGULATIONS FOR NUCLEAR POWER PLANTS**

I approve in part, and disapprove in part, the staff's proposal as discussed below:

1. I disapprove the staff's plan and schedule for the completion of the spent fuel pool risk assessment. This issue, and the zirconium fire scenario in particular, has been studied for years, and I believe that sufficient technical data exists to support making regulatory decisions now. As a matter of prudent public policy, additional delays in bringing this matter to closure are unacceptable. Further, at a briefing I received on this topic, I indicated that I found that the staff's preliminary generic analyses rely on unrealistic assumptions to develop bounding cases of risk and spent fuel heat up. Therefore, the ACRS, whose main purpose is to perform technical reviews of hazards of reactor facilities, should perform a technical review of the validity of the staff's preliminary generic analyses and provide a recommendation to the Commission within 30 days.
2. I approve the staff's proposal to develop an integrated rulemaking for decommissioning. However, since sufficient technical basis already exists to begin rulemaking, the rulemaking plan should be submitted to the Commission by the end of October, 1999.
3. I approve Option 2 of the initiative for improving nuclear power plant decommissioning regulations including the decommissioning regulatory review, i.e., phase 1 of the staff's plan. However, I believe it is premature to select which of the three alternatives presented would be the best approach for restructuring decommissioning requirements. Therefore, after completion of phase 1, the staff should obtain inputs from our stakeholders and present the Commission with a clearer plan of action that identifies the costs and benefits of the recommended course of action, and provides a comprehensive summary of the legal ramifications of the recommendation so that the Commission can make a fully informed decision in this matter.

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