

NOTATION VOTE

RESPONSE SHEET

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

Approved *x* ^{*in part*} Disapproved *x* ^{*in part*} Abstain _____

Not Participating _____

COMMENTS:

See attached comments.

Edward M. Gaffigan Jr.

SIGNATURE
November 24, 1999

DATE

Entered on "AS" Yes *X* No _____

Commissioner McGaffigan's Comments on SECY-99-158

I approve, in part, and disapprove, in part, the staff's recommendations in SECY-99-158, as discussed below:

1. I approve the staff's plan and schedule for the completion of the spent fuel pool risk assessment. In my view, there is much work to be done. While I support the role of appropriate conservatism and margins in ensuring public health and safety, unnecessary conservatism creates unreasonable burdens which can divert resources from more safety important activities and can also erode agency credibility. One potential example of the latter was the terming of a loss of onsite power as one or several "credible initiators." Such a power loss would need to last a week and fail to be mitigated by establishing temporary power or even by simply pouring more water into the spent fuel pool from any number of potential sources. Public meetings between the staff and stakeholders after SECY-99-158 was submitted to the Commission reinforced my concerns in these areas. Nonetheless, I commend the staff for their willingness to meet with stakeholders and their apparent flexibility to solicit information to make their analyses more realistic.
2. I approve the development of a single, integrated, risk-informed decommissioning rule for emergency preparedness, insurance, safeguards, operator training and staffing, and backfit. The staff should take into account comments from our stakeholders during the November 8 Commission meeting and ensure that all realistic scenarios for offsite consequences are appropriately considered during the rulemaking process. At that same Commission meeting, the issue of whether the proposed integrated decommissioning rule would be voluntary (and therefore not subject to backfit) or mandatory (and subject to backfit) came up. This issue needs to be thoroughly discussed with stakeholders and resolved prior to the submission of the rulemaking plan next May. Additionally, the staff should ensure that the agency's regulatory activities in the area of safeguards and threat analysis are fully integrated and considered in the rulemaking plan and schedule.
3. I approve Option 2 of the decommissioning regulatory improvements initiative. However, it may be too early to select an alternative within Option 2, although I would lean toward the staff's preferred Alternative 2. Upon completion of Phase 1, the staff should recommend a course of action to the Commission, considering stakeholder views. I remind the staff that, through a drafting error in a previous rulemaking, there are no fitness for duty requirements for permanently shutdown plants. I would hope early consideration will be given to whether there is any need for scaled-back fitness for duty rules for decommissioning plants.
4. The staff should proceed expeditiously with these activities, adhering closely to the proposed deadlines or, if possible, beating them. The staff should notify the Commission immediately of any unexpected obstacles or delays.

E. M. G.