



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 28, 2000

ORGANIZATION: Nuclear Energy Institute

SUBJECT: SUMMARY OF PUBLIC MEETING WITH NUCLEAR ENERGY
INSTITUTE (NEI) AND PUBLIC STAKEHOLDERS REGARDING
POWER REACTOR DECOMMISSIONING ISSUES

On July 19, 2000, the NRC staff met with representatives of the NEI and public stakeholders to discuss power reactor decommissioning issues. The meeting agenda is provided in Enclosure 1. A list of attendees is provided in Enclosure 2.

The purpose of the meeting was to discuss (1) the status of the integrated decommissioning rulemaking effort (SECY-00-145, "Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning" (ML003721626)), (2) NEI's recommended alternative as outlined in NEI letters dated April 3, 2000 (ML003702051), and May 17, 2000 (ML003718357), and (3) the Brookhaven National Laboratory (BNL) report (ML003730203) which reviewed regulations to determine applicability to decommissioning.

NRC began the meeting by providing an overview of the status of the integrated rulemaking effort. The overview was a highlight of the proposed features of the five rules discussed in SECY-00-145 (emergency preparedness, insurance, safeguards, staffing and training, and backfit). The NRC staff stated that the rulemaking plan was based on findings contained in the "Draft Final Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Plants," which is still a work-in-progress, and noted that changes to the technical study could affect the proposed rulemaking plan. NRC and NEI discussed aspects of each of the five rules. A significant discussion focused on the probability of seismic events and how the NRC applied that number in the rulemaking plan. NEI believed the staff used deterministic methods and did not sufficiently risk-inform the proposed rulemaking. The staff did not agree with this assumption and asked NEI if it thought another meeting related to seismic issues was warranted. NEI stated it would like another meeting. A copy of the NRC handout is provided in Enclosure 3.

Next, NEI provided a brief overview of its recommended alternative approach to improving decommissioning regulations as outlined in NEI letters dated April 3, 2000, and May 17, 2000. NEI stated that it did not particularly want a separate section of 10 CFR Part 50 for decommissioning regulations. They also stated that since the systems remaining during decommissioning were relatively simple, they preferred more prescriptive rules over performance-based rules (such as the maintenance rule). NEI also stated that it preferred one complete rulemaking effort because the NRC has a focused team and the industry has an established working group. NRC and NEI discussed various approaches to issuing new regulations, from doing a few at a time to combining all into one large effort.

NRC then discussed the recently issued BNL report on applicability of Title 10 of the *Code of Federal Regulations* to decommissioning nuclear power plants. A copy of the handout used

INCOMING AND SIGNATURE TAB

**USE THIS SIDE OF THE SHEET TO PRECEDE
THE SIGNATURE PAGE
WHEN ASSEMBLING CORRESPONDENCE**

(USE REVERSE SIDE FOR INCOMING TAB)

SIGNATURE

INCOMING AND SIGNATURE TAB

**USE THIS SIDE OF THE SHEET TO PRECEDE
THE INCOMING MATERIAL
WHEN ASSEMBLING CORRESPONDENCE
(USE REVERSE SIDE FOR SIGNATURE TAB)**

INCOMING

during the meeting is provided in Enclosure 4. NEI stated that it had not looked at the BNL report in great detail and another meeting may be necessary. NRC requested NEI to provide input on the proper binning of regulations in the BNL report and to rank the regulations needing possible modifications in order of importance.

As stated above, additional meetings were requested and will be set up in the near term. One will discuss seismic issues addressed in the draft technical working group study and another will discuss the binning and ranking of regulations examined in the BNL report.



David J. Wrona, Project Manager
Decommissioning Section
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 689

Enclosures: 1. Agenda
2. Attendees
3. Handout, Decommissioning Rulemaking
4. Handout, Summary of BNL Report

cc w/encls: See next page

Nuclear Energy Institute

Project No. 689/+decom

cc:

Mr. Ralph Beedle
Senior Vice President
and Chief Nuclear Officer
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

Mr. Alex Marion, Director
Programs
Nuclear Energy Institute
1776 I Street, Suite 400
Washington, DC 20006-3708

Mr. David Modeen, Director
Engineering
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

Mr. Anthony Pietrangelo, Director
Licensing
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

Mr. Jim Davis, Director
Operations
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

Ms. Lynnette Hendricks, Director
Plant Support
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

Mr. H. A. Sepp, Manager
Regulatory and Licensing Engineering
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

Mr. Charles B. Brinkman, Director
Washington Operations
ABB-Combustion Engineering, Inc.
12300 Twinbrook Parkway, Suite 330
Rockville, MD 20852

Mr. Michael Meisner
Maine Yankee Atomic Power Co.
321 Old Ferry Road
Wiscasset, ME 04578-4922

Mr. Paul Blanch
Energy Consultant
135 Hyde Road
West Hartford, CT 06117

New England Coalition on Nuclear
Pollution
P. O. Box 545
Brattleboro, VT 05302

Mr. Ray Shadis
Friends of the Coast
P. O. Box 98
Edgecomb, ME 04556

Mr. David Lochbaum
Union of Concerned Scientists
1616 P St. NW, Suite 310
Washington, DC 20036

Mr. Paul Gunter
Nuclear Information Resource Service
1424 16th St. NW, Suite 404
Washington, DC 20036

Mr. Peter James Atherton
P.O. Box 2337
Washington, DC 20013

Mr. H. G. Brack
Center for Biological Monitoring
P.O. Box 144
Hull's Cove, ME 04644

Ms. Deborah B. Katz
Citizen's Awareness Network
P. O. Box 3023
Charlemont, MA 01339-3023

Mr. Robert Holden
National Congress of American Indians
Suite 200
1301 Connecticut Ave, NW
Washington DC, 20036

July 19, 2000, Public Meeting

AGENDA

1. NRC summary of ongoing rulemaking activities
(Integrated rulemaking and regulatory improvement) Stu Richards, NRC
2. Public/industry comments and questions
3. Discussion of NEI recommendations on Regulatory Improvement Initiative NEI
4. NRC/public comments and questions
5. NRC summary of Brookhaven review of decommissioning regulations W. Huffman, NRC
6. Industry/public comments and questions on Brookhaven review

DECOMMISSIONING PUBLIC MEETING

July 19, 2000

ATTENDEES

<u>NAME</u>	<u>ORGANIZATION</u>
John A. Zwolinski	NRC/NRR/DLPM
Stuart Richards	NRC/NRR/DLPM
Michael T. Masnik	NRC/NRR/DLPM
Richard Dudley	NRC/NRR/DLPM
Bill Huffman	NRC/NRR/DLPM
Phillip Ray	NRC/NRR/DLPM
David Wrona	NRC/NRR/DLPM
George Hubbard	NRC/NRR/DSSA
John Hannon	NRC/NRR/DSSA
Glenn Tracy	NRC/NRR/DIPM
Dan Barss	NRC/NRR/DIPM
Ira Dinitz	NRC/NRR/DRIP
George Meneinsky	NRC/NRR/DRIP
Stephen H. Lewis	NRC/OGC
Alan Levin	NRC/OCM/RAM
Brian McCabe	NRC/OCM/JSM
Nilesh C. Chokshi	NRC/OCM/JSM
Lynette Hendricks	NEI
Alan Nelson	NEI
Altheia Wyche	SERCH Licensing/Bechtel
John Sutton	Duke Engineering & Services
Marvin Stran	Scientech - NSSIS
Steve Love	BNFL Inc.

Enclosure 2



*United States
Nuclear Regulatory Commission*

**Summary of BNL Report on
Applicability of Title 10 to
Decommissioning Nuclear Power Plants**

JULY 19, 2000

PURPOSE:

To Provide an Overview of the Information in the BNL Report on Applicability of Title 10 of the Code of Federal Regulations to Decommissioning Nuclear Power Plants

SUMMARY:

- **No Surprises**
- **60 Regulatory Areas Indicated as Needing Clarification**
- **Most Clarifications Involve Adding or Precluding Decommissioning Nuclear Power Plants from Scope**

DISCUSSION:

- **Report Does Not Provide Specific Recommendation on How to Fix Regulations**
- **Some Areas for Clarification Are Esoteric in Nature and Can Probably Be Ignored**
- **No Regulatory Gaps or Conflicts Revealed that Require Prompt Rulemaking Actions**
- **Areas that Appear to Have Difficult Regulatory Resolutions Include (Those not Addressed in Integrated Rulemaking)**
 - **Part 26 Applicability (Fitness-for-Duty)**
 - **50.34 Licensing Basis Information That Needs to Be Maintained for Decommissioning (Including Contents of FSAR)**
 - **50.36 Technical Specifications**
 - **50.54 License Conditions**
 - **50.59 Facility Change Process**
 - **50.72/50.73 Reporting Requirements**
 - **GDC (Appendix A) Applicability**
 - **Appendix B Quality Assurance Program**

CONCLUSIONS:

**BNL Report is a Good Reference Document for Future NRC;
Industry; Public Stakeholder Discussions on Decommissioning
Regulatory Improvement**

ACTIONS:

- **Obtain Informal Stakeholder Input on the Binning of Regulations**
- **Obtain Informal Stakeholder Input on Needed Regulatory Clarifications**
- **Obtain Industry Input on Recommended Staff Priority for Future Regulatory Improvements**

Risk Informed Decommissioning Rulemaking

- Stuart A. Richards
- Director, Project Directorate IV and Decommissioning
- Division of Licensing Project Management
- Office of Nuclear Reactor Regulation
- July 19, 2000

Decommissioning Rulemaking

- SECY to Commission
 - Proposed five rule modifications
 - Basis – technical working group study on spent fuel pool accident risk at decommissioning plants
- Future Decommissioning Rulemaking Efforts

Emergency Preparedness

- Proposing
 - Significant reductions if licensee implements industry and staff risk reduction methods
- Features
 - After 1 year of spent fuel decay:
 - Similar to monitored retrievable storage installation (10CFR72.32(b))
 - After 5 years or plant specific calculation:
 - Similar to independent spent fuel storage installation (10CFR72.32(a))
 - None after fuel and other hazards removed from site

Insurance

- Proposing

- Phased reductions after 5 years or plant specific calculation

- Features

- Onsite coverage

- Drops from \$1.06 billion to \$25 million after 5 years, to none when fuel removed from pool

- Offsite coverage

- Primary drops from \$200 million to \$100 million after 5 years, to \$25 million when fuel removed from pool
 - Secondary rating pool participation not required after 5 years

Safeguards

- Proposing
 - Reductions using 10 CFR 73.55 as starting point
- Features
 - Critical elements of 73.55
 - physical barriers, armed personnel, vehicle control measures
 - Consistent with ISFSI regulations
 - When all fuel transferred to ISFSI, ISFSI regulations would apply
 - None when fuel transferred from site

Staffing and Training

- Proposing

- Appropriate levels of training and qualifications for operations and support staff

- Features

- Certified fuel handler program
 - Codify appropriate staff levels and training levels

Backfit

- Proposing

- Dividing 10 CFR 50.109

- Features

- Decommissioning reactor part
 - Similar to current regulations, language that doesn't apply to decommissioning reactors removed/changed
 - Operating reactor part
 - Virtually unchanged

Future Decommissioning Rulemaking Efforts

- Entire decommissioning package into one large totally integrated rule
- Do the five and then do remaining rules
- Just do the five
- Stop all rulemaking

CONCURRENCE AND SIGNATURE TAB

**USE THIS SIDE OF THE SHEET TO PRECEDE
THE CONCURRENCE MATERIAL
WHEN ASSEMBLING CORRESPONDENCE**

(USE REVERSE SIDE FOR SIGNATURE TAB)

CONCURRENCE

CONCURRENCE AND SIGNATURE TAB

**USE THIS SIDE OF THE SHEET TO PRECEDE
THE SIGNATURE PAGE
WHEN ASSEMBLING CORRESPONDENCE**

(USE REVERSE SIDE FOR CONCURRENCE TAB)

SIGNATURE

during the meeting is provided in Enclosure 4. NEI stated that it had not looked at the BNL report in great detail and another meeting may be necessary. NRC requested NEI to provide input on the proper binning of regulations in the BNL report and to rank the regulations needing possible modifications in order of importance.

As stated above, additional meetings were requested and will be set up in the near term. One will discuss seismic issues addressed in the draft technical working group study and another will discuss the binning and ranking of regulations examined in the BNL report.

/RA/

David J. Wrona, Project Manager
Decommissioning Section
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 689

Enclosures: 1. Agenda
2. Attendees
3. Handout, Decommissioning Rulemaking
4. Handout, Summary of BNL Report

cc w/encs: See next page

DISTRIBUTION:

PUBLIC	JShea	RidsNrrDlmpPMWRipley
PDIV-D r/f	CACarpenter (RidsDripRgeb)	RidsNrrDlpmPMDWrona
RidsOgcMailCenter	JHannon (RidsDssaSplb)	GTracy
RidsAcrsAcnwMailCenter	BJorgensen,Rlll	IDinitz
SCollins (RidsNrrOd)	DBSpitzberg,RIV	GMeneinsky
BSheron (RidsNrrAdpt)	AMarkley	DBarss
JZwolinski/SBlack (RidsNrrDlpm)	MCase	DTJackson
GHolahan (RidsNrrDssa)	MSatorius	ALevin
SRichards (RidsNrrDlpmLpdiv)	JBirmingham	BMcCabe
MMasnik (RidsNrrDlpmLpdiv3)	LPittiglio	NChokshi
RidsNrrPMRDudley	RidsNmssPMSBrown	
RidsNrrPMWHuffman	CPoslusny	
RidsNrrPMJMinns	RBellamy,RI	
RidsNrrPMLWheeler	LCamper	
RidsNrrPMPRay	GHubbard	
RidsNrrPMMWebb	RidsNmssPMRNelson	
RidsNrrLACJamerson	MMalloy	

ACCESSION NUMBER: ML0037

OFFICE	PDIV-D/PM	PDIV-D/LA	PDIV-D/SC
NAME	DWrona <i>CJW</i>	CJamerson <i>CJ</i>	MMasnik <i>MTM</i>
DATE	7/26/00	7/26/00	7/28/00

FILE NAME: G:\PDIV-3\NEI\mnts 07-19-2000.wpd

OFFICIAL RECORD COPY

meeting is provided in Enclosure 4. NEI stated that it had not looked at the BNL report in great detail and another meeting may be necessary. NRC requested NEI to provide input on the proper binning of regulations in the BNL report and to rank the regulations needing possible modifications in order of importance.

As stated above, additional meetings were requested and will be set up in the near term. One will discuss seismic issues addressed in the draft technical working group study and another will discuss the binning and ranking of regulations examined in the BNL report.

/RA/

David J. Wrona, Project Manager
Decommissioning Section
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 689

Enclosures: 1. Agenda
2. Attendees
3. Handout, Decommissioning Rulemaking
4. Handout, Summary of BNL Report

cc w/encs: See next page

DISTRIBUTION:

PUBLIC

PDIV-D r/f

RidsOgcMailCenter

RidsAcrcAcnwMailCenter

SCollins (RidsNrrOd)

BSheron (RidsNrrAdpt)

JZwolinski/SBlack (RidsNrrDlpm)

GHolahan (RidsNrrDssa)

SRichards (RidsNrrDlpmLpdiv)

MMasnik (RidsNrrDlpmLpdiv3)

RidsNrrPMRDudley

RidsNrrPMWHuffman

RidsNrrPMJMinns

RidsNrrPMLWheeler

RidsNrrPMPRay

RidsNrrPMMWebb

RidsNrrLACJamerson

JShea

CACarpenter (RidsDripRgeb)

JHannon (RidsDssaSplb)

BJorgensen,RIII

DBSpitzberg,RIV

AMarkley

MCase

MSatorius

JBirmingham

LPittiglio

RidsNmssPMSBrown

CPoslusny

RBellamy,RI

LCamper

GHubbard

RidsNmssPMRNelson

MMalloy

RidsNrrDlmpPMWRipley

RidsNrrDlpmPMDWrona

GTracy

IDinitz

GMeneinsky

DBarss

DTJackson

ALevin

BMcCabe

NChokshi

ACCESSION NUMBER: ML0037

OFFICE	PDIV-D/PM	PDIV-D/LA	PDIV-D/SC
NAME	DWrona <i>DW</i>	CJamerson	MMasnik
DATE	7/25/00	<i>CJ</i> 7/25/00	

FILE NAME: G:\PDIV-3\NEI\mts 07-19-2000.wpd

OFFICIAL RECORD COPY

NRC FORM 8C
(7-94)
NRCMD 3.57

COVER SHEET FOR CORRESPONDENCE

**USE THIS COVER SHEET TO PROTECT ORIGINALS OF
MULTI-PAGE CORRESPONDENCE**