

March 31, 1997

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - COMSECY-96-058 - DECOMMISSIONING - NON REACTOR FACILITIES, (DSI 9)

The Commission continues to support its preliminary views on this issue which, subject to the Commission's modifications as set forth in the preliminary view, was the selection of a combination of options including: (1) Change the Decommissioning Process [Option 2]; (2) Focus on Decommissioning Cases in which progress can be made [Option 6]; (3) Take an Aggressive Position to Develop Regulatory Frameworks for Lower Cost Decommissioning Waste Disposal Options [Option 7]; and (4) Develop a Strong Litigation Strategy [Option 8].

In its preliminary views on this issue, the Commission had directed the staff to include in the pilot program under Option 2 only those licensees who (1) volunteer for the program and (2) the staff finds suitable for the pilot program. The Commission believes that the pilot program should be designed to be capable of identifying those licensee attributes that are important in deciding which licensees should be allowed to participate in the pilot program. Specifically, the Commission directs the staff to consider the following as potential criteria for making determinations on the suitability of a licensee for the pilot program. First, the licensee should be technically capable and adequately funded and second, the licensee's site should be minimally contaminated, not complex, and undergoing only routine decommissioning activities. The staff should provide a status report on this effort by June 15, 1998 or sooner if circumstances warrant.

(EDO)

(SECY Suspense: 6/15/98)

The staff should sponsor a workshop in connection with the pilot program to make sure that candidates for the pilot program know what NRC expects of the licensees. The Commission's preliminary view had further guidance on this matter.

(EDO)

(SECY Suspense: 3/31/98)

The staff should continue to evaluate any new and different approaches to the decommissioning review process as they are presented. One such process is to adopt an approach that requires a decommissioning plan with supporting data and information that is commensurate with the complexity and risk associated with the site to be decommissioned. The Commission further directs the staff to consider how implementation of this simplified review process could also enhance the review process for routine sites being decommissioned other than SDMP sites.

(EDO)

(SECY Suspense: 9/30/97)

Regarding Options 4 and 9, the Commission does not believe that the Superfund approach would be an effective tool for the NRC to oversee decommissioning activities.

With regard to Option 6, the Commission believes that referral to EPA should be a last resort, should be approved by the Commission, and should be used only in those circumstances where EPA agrees that the remedies that it will bring to bear have a higher probability of success in terms of achieving cleanup.

Finally, the SRM on DSI 21 addresses the fact that many NRC costs for site decommissioning management plan activities are not recoverable under Part 170 fees, and as such, the NRC should attempt to move these costs outside the fee base to a direct appropriation.

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
Commissioner McGaffigan
Commissioner Diaz
K. Cyr
D. Rathbun
H. Bell
A. Galante
R. Scroggins
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