



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

February 15, 1996

Dr. Thomas S. Kress, Chairman
Advisory Committee on Reactor Safeguards
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: PROPOSED RULEMAKING - REVISION TO 10 CFR PARTS 2, 50, AND 51
RELATED TO DECOMMISSIONING OF NUCLEAR POWER REACTORS
(RES 950093) (EDO 201)

Dear Dr. Kress:

In your letter of March 17, 1995, the ACRS commented that the proposed rule provided significant flexibility to licensees and reduced the burden to both licensees and the NRC. The ACRS noted a concern that the proposed rule had not been founded on a risk basis and that realistic risk analysis had not been done. A concern was also expressed that the revised rule may still impose excessive burdens on licensees and make excessive demands on NRC resources.

As directed in an SRM dated May 23, 1995, the Commission found the staff's approach to safety issues reasonable under the current state of data and analysis. (In response to the ACRS comments, a letter from the NRC contractor providing rule support was given to the Commission for consideration and is enclosed for background information.) The staff was encouraged to consider whether additional rulemaking is necessary after the contractor, Brookhaven National Laboratory (BNL), completes its evaluation of risk associated with the presence of spent fuel at the site of permanently shutdown reactors. The proposed rule was published for comment in the Federal Register on July 20, 1995. The staff expects to forward a final rule to the Commission by March 1996.

Thirty-five comment letters were received on the proposed rule. Several commenters suggested that further relief from technical requirements be granted after permanent shutdown. The staff is considering these comments e.g., by reexamining the need to have additional 50.59 criteria as proposed in the proposed rule.

The final rule will require licensees to remove fuel from the reactor before they can begin decommissioning, so that the principal risk present will be from any fuel remaining in the spent fuel pool. The analysis of spent fuel pool risks being performed by BNL will form the basis for the staff to evaluate the need for additional regulatory relief. This study will be completed in 1996.


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The handling and disposal of radioactive material in non-fuel-pool areas, while not posing a significant offsite risk, still warrants a systematic process to ensure that the activities are carried out safely and that the public has the opportunity to know how they are being carried out by the NRC. The staff objective is that the final rule provide an appropriate balance among public participation, license requirements and NRC oversight to ensure safe decommissioning of nuclear power reactors without unnecessary burden on licensee or NRC resources.

Sincerely,


James M. Taylor
Executive Director
for Operations

Enclosure: As stated

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
SECY
OGC