



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

February 28, 1996

MEMORANDUM TO: Dr. T. S. Kress, Chairman
Onsite Fuel Storage and Decommissioning Subcommittee
FROM: *Noel Dudley*
Noel Dudley
Senior Staff Engineer
SUBJECT: EDO RESPONSE TO ACRS LETTER CONCERNING PROPOSED RULEMAKING
ON DECOMMISSIONING

The Committee issued a report dated March 17, 1995, to Chairman Selin concerning proposed rulemaking associated with decommissioning of nuclear power plants [attachment 1]. In a less than timely letter, Mr. James Taylor, Executive Director for Operations (EDO), responded to the ACRS report on February 15, 1996 [attachment 2]. The EDO response included a letter dated March 24, 1995, from Brookhaven National Laboratory (BNL) to the staff discussing comments made in the Committee report.

The BNL letter states that a decommissioning risk analysis is beyond the scope of the BNL program. However, BNL used a programmatic process that explicitly considered offsites consequences of four different spent fuel storage configurations. In NUREG/CR-4982, BNL applied simplified PRA analyses to quantify (1) the frequency of initiating events that could compromise spent fuel integrity, (2) the fuel damage probability based on conditional probabilities of subsequent system failures, and (3) the magnitude of radionuclide releases to the environment and the consequences of those releases. The uncertainty in the risk estimates are large.

The BNL letter states that consequence analyses for the four spent fuel storage configurations and the determination of the configuration 1 critical delay time were not complete. [note: BNL prepared the letter a year ago.]

The EDO response included the following items, but does not specify a staff position or expected resolution:

- the use of the 50.5 fety evaluation process for controlling decommissioning activities
- the scope of the ongoing BNL risk evaluation
- the schedule for evaluating results of the BNL risk evaluation and issuance of the proposed final rule

Based on the unresolved issues mentioned in the EDO response the Committee may want to consider reviewing the proposed final decommissioning rule and the staff's use of a risk basis for reformulating the final rule.

- Attachments: 1. Letter dated March 17, 1995, from Chairman T. S. Kress, ACRS, to Chairman Selin, NRC, Subject: Proposed Rulemaking Related to Decommissioning Of Nuclear Power Reactors
2. Letter dated February 15, 1995, from James Taylor, Executive Director for Operations, to Chairman T. S. Kress, ACRS, Subject: Proposed Rulemaking Related to Decommissioning Of Nuclear Power Reactors

cc via E-mail w/o atts:

J. Larkins
R. Savio
S. Duraiswamy
ACRS Staff
ACRS Fellows



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

March 17, 1995

The Honorable Ivan Selin
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Selin:

SUBJECT: PROPOSED RULEMAKING - REVISION TO 10 CFR PARTS 2,
50, AND 51 RELATED TO DECOMMISSIONING OF NUCLEAR
POWER REACTORS

During the 419th meeting of the Advisory Committee on Reactor Safeguards, March 9-10, 1995, we reviewed the proposed rule on decommissioning of nuclear power reactors. During our review, we had discussions with representatives of the NRC staff and the Nuclear Energy Institute. We had the benefit of the document referenced.

The proposed revision to the decommissioning rule appears to allow significant flexibility for different possible circumstances under which a nuclear plant may cease operation and transition into the decommissioning mode. The proposed revision to the rule reduces unnecessary burdens on both the licensees and NRC staff.

We believe that the proposed rule should be issued for public comment. We are concerned, however, that the proposed rule has not been founded on a risk basis. Realistic risk analyses for decommissioning nuclear power reactors have not been done. Consequently, there is no clear relationship between the requirements being retained in the revised rule and the realistic risks to the public health and safety and the environment posed by decommissioning. The revised rule may still impose unnecessary burdens on licensees and may make excessive demands on NRC resources. We hope that steps can be taken in the near future to establish a risk basis for reformulating 10 CFR Parts 2, 50, and 51. We believe this is an issue on which comment from the industry and the public should be sought.

Sincerely,

T. S. Kress
Chairman

9503290289

20

99