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January 21, 1997

MEMORANDUM TO: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan

FROM: Commissioner Rogers *Kenneth C. Rogers*

SUBJECT: COMSECY-96-068: DECOMMISSIONING - POWER REACTORS - DSI-24

After a review of Phase II of the Stakeholder Interaction Report and after listening to the Steering Committee briefing on January 13, I believe that we should revise the position taken in the Commission's preliminary views on this DSI. The preponderance of opinion seemed to be that the NRC should pursue the current direction more aggressively and to expedite rulemakings as much as possible. Comments were also made on possible innovative regulatory approaches and I believe that they should be accommodated. I propose that the final Commission position be revised as follows:

From the options presented, Option 12: ~~Continue the current direction and approach.~~ Pursue current direction and approaches more aggressively, is the recommended option. The staff should attempt to accelerate resolution of decommissioning rulemaking issues and consider the option of combining several rulemakings into a single, integrated rulemaking. Implementation guidance in pursuing this option should be expanded to explore more innovative approaches in line with the current Commission strategy in this area.

The staff should clarify that entombment is allowed as a decommissioning option. Furthermore, the issue of site specific decommissioning funding level estimates should be addressed as well as the issue of onsite dry storage of greater-than-class C waste.

The paper does provide a good discussion of rulemakings currently underway that outline the current Commission strategy in the power reactor decommissioning area: 1) that there should be assurance that decommissioning will be conducted in a safe and timely manner, 2) that adequate licensee funds will be available for this purpose, and 3) recognition that risks associated with decommissioning reactor facilities are not the same as for operating reactor facilities.

In pursuing the ~~accelerated~~ ~~current~~ pace of rulemaking, the staff, as stated above, should consider new and innovative regulatory approaches. Examples of possible approaches that might be considered the staff should consider are:

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1. Transfer of nuclear power plants to Agreement State control after fuel has been put into dry storage or has been removed from the Part 50 site would be an option if deemed beneficial by the licensee and the Agreement State.
2. Placing a resident site inspector during ~~all phases of decommissioning,~~
~~only during specific phases of decommissioning, or not at all.~~
3. Having NRC take an enhanced performance-oriented approach by reducing oversight and performing a radiological assessment of the site when it is ready to be released.

cc: EDO
OGC
SECY