

Commissioner McGaffigan's Comments on COMSECY-99-029

As more nuclear power plants enter the decommissioning phase and the resident inspectors are withdrawn, the relationship between the NRC and the States will also continue to change. The formal memorandum of understanding with each affected State will need revision to reflect the changes in regulatory activities. For example, States may elect to maintain an on-site presence after the NRC on site presence is terminated. The status of such State inspectors, who will sometimes accompany NRC inspectors and participate in NRC inspections, needs to be clear. This need is particularly acute with regards to the status of their activities when the on site State inspector is not participating in an NRC inspection. For this reason, I approve the COMSECY-99-029 subject to the following clarifications:

(1) In Attachment 1, Section III (Modifications), Subpart H, add "and approval" so that the sentence concludes as follows:

"... scheduled inspection to allow sufficient time for NRC review and approval."

(2) In Attachment 1, Section III (Modifications), Subpart I, insert "only" so that the sentence reads as follows:

"The State will perform decommissioning safety inspections only in accordance with the inspection plans using applicable procedures in the NRC Inspection Manual."