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NRC PROPOSES REVISIONS TO GENERAL REQUIREMENTS
FOR DECOMMISSIONING NUCLEAR POWER PLANTS

The Nuclear Regulatory Commission is considering amending its regulations for decommissioning nuclear power plants. The proposed revisions would reflect experience gained in recent decommissioning cases, clear up ambiguities in the current regulations and codify practices that have been used for some licensees on a case-by-case basis.

Decommissioning refers to permanently removing a facility from service and reducing radioactivity on the property to levels that would permit termination of the license and other uses of the property.

In 1988 the Commission issued general requirements on decommissioning that included technical and financial criteria and dealt with decommissioning planning needs, timing, funding mechanisms and environmental review requirements.

Since that time, several licensees have permanently ceased operations earlier than expected, without having submitted the decommissioning plan required under the current regulations. In addition, these licensees have requested exemptions from some safety requirements to reflect their status of no longer having fuel present in the reactor and therefore having a greatly reduced risk of accidents.

Since the regulations did not entirely envision such situations, these cases were handled on a site-by-site basis. The Commission believes the proposed amendments would bring increased efficiency and uniformity to the decommissioning process.

The proposed regulations would require that:

- (1) Within 30 days after a nuclear power plant licensee decides to cease operations permanently, the licensee must submit a written certification to the NRC and,

(2) When the licensee permanently removes nuclear fuel from the reactor vessel, the licensee must submit another written certification to the NRC.

When the NRC receives these certifications, the licensee's authority to operate the reactor or load fuel into the reactor vessel will be removed by regulation. This would entitle the licensee to a fee reduction and eliminate the obligation to follow certain requirements needed only during reactor operation.

Within two years after submitting the permanent cessation of operations certification, the licensee would have to submit a post-shutdown decommissioning activities report (PSDAR) to the NRC. This report would provide a description of the licensee's planned decommissioning activities, along with a schedule for their accomplishment, and an estimate of expected costs.

The PSDAR would also include a discussion of whether environmental impacts associated with the site-specific decommissioning activities have already been considered in previously prepared environmental impact statements. If not, the licensee would have to submit an environmental report on the additional impacts for NRC's consideration and possible preparation of an environmental impact statement.

After receipt of a PSDAR, the NRC would publish a notice of receipt, make the PSDAR available for public comment, and hold a public meeting in the vicinity of the plant to discuss the licensee's plans.

Ninety days after the NRC receives the PSDAR, and generally 30 days after the public meeting, the licensee could under certain conditions begin to perform major decommissioning activities without specific NRC approval. These activities could include permanent removal of major components such as the reactor vessel, steam generators, large piping systems, pumps and valves.

The proposed regulations state that the major decommissioning activities that could be conducted without specific prior NRC approval must not:

- (1) Foreclose release of the site for possible unrestricted use,
- (2) Significantly increase decommissioning costs,
- (3) Cause any significant environmental impact not previously reviewed, or
- (4) Violate the terms of the licensee's existing license.

If any major decommissioning activity would not meet these terms, the licensee would have to submit a license amendment request, which would provide an opportunity for a public hearing.

The revisions to the regulations would also allow licensees to use some money from their NRC-required decommissioning trust funds without specific NRC approval, provided the withdrawal of money (1) would be for expenses for legitimate decommissioning activities, (2) would not reduce the trust fund below an amount necessary to place and maintain the reactor facility in a safe storage condition if unforeseen conditions or expenses arise and (3) would not inhibit the licensee's ability to complete funding of any shortfalls in the funds needed to ensure the ultimate release of the site and termination of the license.

A total of 23% (3% initially and 20% after submittal of the PSDAR) of a generic amount specified in the regulations could be used by the licensee for decommissioning activities without prior NRC approval. The remaining decommissioning trust funds would be available to the licensee when the licensee submits a detailed site-specific decommissioning cost estimate to the NRC.

The proposed revised regulations require that, before completing decommissioning and within a storage period up to 60 years, the licensee must submit an application to the NRC to terminate the license, along with a license termination plan. This plan would have to contain a description of the locations, types and amounts of radioactivity on site; a description of any remaining dismantlement activities to be accomplished; plans for site cleanup; detailed plans for a final radiation survey; a description of the planned end use of the site (if it will not be released for unrestricted use); an updated site-specific analysis of remaining decommissioning costs; and a supplement to the environmental report describing any new information or significant environmental change associated with the licensee's proposed decommissioning activities.

The NRC would publish a notice of receipt of this license termination plan, make the license termination plan available for public comment, hold a public meeting in the vicinity of the plant to discuss the licensee's plans, and provide an opportunity for a public hearing.

After completion of the hearing and resolution of public comments, and after the Commission is satisfied that the approved plan has been properly implemented, the Commission would terminate the license.

Most of the changes in the proposed regulations would apply only to licensed nuclear power reactors that produce electricity.

However, some of the proposed changes would apply also to university research reactors and other non-power reactors. They include:

(1) When a power reactor licensee submits a license termination plan, or a non-power reactor licensee submits a decommissioning plan, if the licensee were to propose restricted release of the site, the licensee would have to evaluate the environmental effects of that restricted release.

(2) A license that has expired is not terminated until the Commission notifies the licensee in writing that the license is terminated. During any period of continued effectiveness beyond the license expiration date, the licensee is prohibited from operating the facility and must limit activities to actions necessary to decommission and decontaminate the facility or actions necessary to maintain the facility in a safe condition.

Details of the proposed regulations are contained in a Federal Register notice published on July 20. Interested persons are invited to submit written comments by October 18 (90 days after publication of the Federal Register notice) to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Comments may also be submitted electronically via the NRC Electronic Bulletin Board on FedWorld.

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