

REGULATORY ANALYSIS

REGULATORY GUIDE 1.159 ASSURING THE AVAILABILITY OF FUNDS FOR DECOMMISSIONING NUCLEAR REACTORS

(Draft was issued as DG-1229, dated January 2011)

Statement of the Problem

The Regulatory Guide in its current form does not address all of the issues in relation to decommissioning funding reporting and recordkeeping. One issue that was not previously resolved was defining properly the timeframe for a licensee to provide financial assurance after discovering that the licensee was not providing financial assurance. Another issue was clarifying how credits would be provided for a licensee during an extended decommissioning period. Based on comments received from stakeholders during both versions of DG-1229, the U.S. Nuclear Regulatory Commission (NRC) staff has revised Regulatory Guide 1.159 and decided to publish it.

Objective

The objective of this regulatory action is to provide guidance on the reporting and recordkeeping requirements for decommissioning planning; specifically, in relation to the amount of time a licensee is allowed to adjust decommissioning funds after identification of shortfalls in their decommissioning funding status report.

Alternative Approaches

The NRC staff considered the following alternative approaches:

- Do not revise Regulatory Guide 1.159, Rev. 1.
- Revise Regulatory Guide 1.159, Rev. 1.

Alternative 1: Do Not Revise Regulatory Guide 1.159, Rev. 1

Under this alternative, the NRC would not revise [or issue additional] guidance, and the current guidance would be retained. If NRC does not take action, there would not be any changes in costs or benefit to the public, licensees or NRC. However, the “no-action” alternative would not address identified concerns with the current version of the regulatory guide [or in the absence of NRC guidance, for a new guide]. The NRC would continue to review each application on a case-by-case basis. This alternative provides a baseline condition from which any other alternatives will be assessed.

Alternative 2: Revise Regulatory Guide 1.159, Rev. 1

Under this alternative, the NRC would revise Regulatory Guide 1.159, Rev. 1, taking into

consideration the factors that have changed since issuance of the most recent revision of the guide.

The benefit of this action is that it would facilitate the decommissioning funding process by providing general procedures that the NRC considers acceptable for resolving any shortfall issues for nuclear power reactors. Use of this regulatory guide will help ensure that the proper amount to maintain financial assurance is met.

The impact to the NRC would be the costs associated with preparing and issuing the regulatory guide revision. The impact to the public would be the voluntary costs associated with reviewing and providing comments to NRC during the public comment period. The value to NRC staff and its applicants would be the benefits associated with enhanced efficiency and effectiveness in using a common guidance document as the technical basis for license applications and other interactions between the NRC and its regulated entities.

Conclusion

Based on this regulatory analysis, the NRC staff recommends revision of Regulatory Guide 1.159, Rev 1. The staff concludes that the proposed action will enhance a licensee's ability to supply adequate information to support recordkeeping and reporting for decommissioning planning.