

From: Berry, Rollie
To: ["mrn@nei.org"](mailto:mrn@nei.org)
Subject: Financial Assurance for Part 72
Date: Tuesday, October 09, 2012 12:50:00 PM

Marc,

The U.S. Nuclear Regulatory Commission (NRC) is proactively reaching out to the Nuclear Energy Institute (NEI) and its members that are current license holders under 10 Code of Federal Regulations (CFR) Part 72. We want to call to your attention the new reporting requirements starting in December 2012. The NRC published the Decommissioning Planning final rule in the Federal Register on June 17, 2011 (76 FR 35512) which adds reporting requirements of a Decommissioning Funding Plan (DFP) for holders and applicants of both general and specific licenses under Part 72. The first DFP from each licensed facility under Part 72 will be required beginning on December 17, 2012. This effective date is discussed in the Responses to Comments H.24 and H.25.3 in the Notice of Final Rulemaking (76 FR 35512, 35550 - 51). Subsequently, each licensee or applicant under Part 72 will be required to submit an updated DFP at the time of license renewal and at intervals not to exceed three years. Part 72.30(c) lists requirements for updated submittals.

In preparation for the anticipated influx of DFP submittals this December, the Office of Nuclear Material Safety and Safeguards, Division of Spent Fuel Storage and Transportation (NMSS/SFST) is developing internal processes to audit these in a consistent manner. NMSS/SFST will be working closely with NRR, since general ISFSI licensees may have plans coupled with similar reactor decommissioning plans.

We want to make sure industry is adequately aware of this reporting requirement, and do not inadvertently encounter compliance problems in December. Below is the NRC formal question and answer on this issue from the last Regulatory Information Conference. Please distribute this information to your appropriate licensee members. Since NEI may not be able to respond on a particular licensee's behalf, NMSS/SFST may choose to contact some licensees individually for awareness. Please contact me if you have any questions or concerns.

Thanks,

Rollie Berry
Project Manager
Spent Fuel Storage and Transportation
Office of Nuclear Material Safety and Safeguards
301-492-3332
Rollie.Berry@nrc.gov

<http://www.nrc.gov/public-involve/conference-symposia/ric/past/2012/docs/iou-action-items.pdf>

Question 1: What is the due date for the first submittal of the updated decommissioning funding plans required under amendments of the Decommissioning Planning Rule issued on June 17, 2011? (76 FR 35512)

Answer 1: The due date for the first submittal of the updated decommissioning funding plans is December 17, 2012, the effective date of the Decommissioning Planning Rule, as discussed in the Responses to Comments H.24 and H.25.3 in the Notice of Final Rulemaking (76 FR 35512, 35550 - 51). The due date applies to licenses issued under Parts 30, 40, 70, and 72. Holders of licenses issued under those Parts should review their decommissioning funding plans and submit revisions, if necessary to comply with the amended requirements, by December 17, 2012. The requirement applies to both specific and general ISFSI licenses issued under 10 CFR Part 72. For holders of power reactor licensees issued under 10 CFR Part 50 that have submitted a site-specific cost estimate following the permanent cessation of operations, as required under 10 CFR 50.82(a)(4)(i), the due date for their first submittal of the status reports for financial assurance and funding for irradiated fuel management, based on the new requirements in 10 CFR 50.82(a)(8), is March 31, 2013. As stated in Section M of the Supplementary Information to the Final Rule (76 FR 35512, 35521), permanently shutdown reactor licensees must continue to submit a decommissioning funding status report as required under 10 CFR 50.75(f)(1) and (2).