



NUCLEAR ENERGY INSTITUTE

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November 13, 2012

Mr. Mark D. Lombard
Director
Division of Spent Fuel Storage and Transportation
Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Timing of 10 CFR 72.30 Independent Spent Fuel Storage Installation Decommissioning Funding Plan Submittals

Project Code: 689

Dear Mr. Lombard:

The Nuclear Energy Institute (NEI)¹ is requesting NRC confirmation that March 31, 2013, is an acceptable submittal date for independent spent fuel storage installation (ISFSI) decommissioning funding plans (DFPs). Submission by this date maximizes regulatory consistency and efficiency, is consistent with the regulations, and allows sufficient time for the NRC to develop related guidance.

The NRC has revised several regulations² to improve regulatory efficiencies and strengthen consistency between 10 CFR Part 72.30 and 10 CFR Part 50, as well as between specific and general ISFSI license requirements. We believe concurrent submittal of both ISFSI and reactor DFPs helps achieve these goals, and that there is no advantage to requiring them to be submitted separately. Nearly all of the approximately 55 operating ISFSIs are also 10 CFR Part 50 licensees that will

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

² The NRC published, on June 17, 2011, the final rule for Decommissioning Planning (Federal Register Volume 76, page 35512), which will become effective December 17, 2012. The revision to this rule made changes to 10 CFR 72.30 that 1) now require ISFSI DFP submittals from general licensees, and 2) require re-submittal of ISFSI DFPs, from both specific and general licensees, at the time of license renewal and at intervals not to exceed 3 years.

Mr. Mark D. Lombard

November 13, 2012

Page 2

submit reactor DFPs by March 31, 2013. The ability to submit ISFSI DFPs together with reactor DFPs by this date would provide for the most efficient use of licensee resources needed to prepare and submit them, as well as NRC resources needed to review them.

ISFSI DFPs submitted with reactor DFPs would be both timely and consistent with the regulations. Neither the final rule nor the associated statements of consideration identify a required submittal date for the first ISFSI DFPs subsequent to the rule becoming effective. In response to one commenter's question, the NRC agreed with allowing at least one year following the effective date. Although the NRC also stated that the effective date of the rule allowed for 18 months for implementation, this was based upon a presumption that final NRC guidance would be published within this time.

A March 31, 2013, submittal date would allow time for the NRC to publish guidance that may be useful to ensure that ISFSI DFPs meet the NRC's expectations and are consistent in scope and format. This schedule would also provide an opportunity to address questions identified by the industry. One option to address these questions would be to use NEI 12-5, *Used Fuel Storage and Transportation Frequently Asked Questions Process*, submitted to NRC by letter³ on September 25, 2012.

We plan to advise ISFSI licensees that submittal of DFPs by March 31, 2013, is acceptable, unless otherwise advised by the NRC. We would appreciate a meeting to discuss NRC guidance and industry questions; please let us know at your earliest convenience if one will be scheduled.

Sincerely,



Rodney McCullum

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³ NEI Letter from R. McCullum to NRC M. Lombard, "Submittal of NEI 12-15, *Used Fuel Storage and Transportation Frequently Asked Questions Process*, Revision A, dated September 2012"