

# REGULATORY ANALYSIS

## Regulatory Guide (DG) 1.60

### Design Response Spectra for Seismic Design of Nuclear Power Plants

(Proposed Revision 1 of Regulatory Guide 1.60, issued April 1973)

#### 1. Statement of the Problem [this is just a place holder in case we decide to go the regular revise RG route. Right now it is being treated as an “administratively changed guide” in accordance with MD 6.6, page 7]

On July 29, 1996, the NRC issued a final rule amending section 50.82 of Title 10 of the *Code of Federal Regulations* (10 CFR) to define a new process for decommissioning power reactors [61 Federal Register 39301]. This new process included a requirement for holders of licenses to operate power reactors to submit a Post-Shutdown Decommissioning Activities Report (PSDAR) before or within 2 years of permanent cessation of operations. The report must include a description of the licensee’s planned decommissioning activities, a schedule for the accomplishment of significant milestones, an estimate of expected costs, and a discussion of the licensee’s evaluation of the environmental impacts associated with site-specific decommissioning activities.

Since the implementation of these revisions to the regulations and issuance of RG 1.185 in 2000, several licensees have submitted PSDARs for NRC review. As a result of these reviews, the NRC staff has found common areas that have resulted in NRC issuing requests for additional information and licensees performing additional analyses to address those requests. These additional activities result in delays in completing these reviews. Further, the additional requests resulted in increased costs to licensees, either because of the costs associated with responding to them, or NRC charges for additional staff time to complete the reviews. Considering lessons learned from recent decommissioning, consideration needs to be given to revising RG 1.185.

#### 2. Objective

The objective of this regulatory action is to assess the need to update the NRC guidance on the standard format and content guide for the PSDAR based on lessons learned from recent decommissioning activities. Such guidance would be used to support licensees preparing for decommissioning.

#### 3. Alternative Approaches

The NRC staff considered the following alternative approaches:

1. Do not revise Regulatory Guide 1.185.
2. Withdraw Regulatory Guide 1.185.
3. Revise Regulatory Guide 1.185.

### Alternative 1: Do Not Revise Regulatory Guide 1.185

Under this alternative, the NRC would not revise this guidance, and licensees would continue to use the original version of this regulatory guide. If NRC takes no action, there would not be any changes in costs or benefit to the public, licensees, or NRC. However, the “no-action” alternative would not provide an update to address lessons learned from power plant decommissioning subsequent to issuance of RG 1.185.

### Alternative 2: Withdraw Regulatory Guide 1.185

Withdrawing this regulatory guide would leave a void in the regulatory guide system relative to preparation of a PSDAR for licensees that are subject to the requirements of 10 CFR 50.82(a)(4)(i) which require the licensee to submit a PSDAR to the NRC before or within 2 years of permanent cessation of operations. By eliminating guidance for licensees, the content of future PSDARs could vary from licensee to licensee, thereby making their review more burdensome for the NRC staff. The burden on licensees would be greater under this alternative than under Alternative 1 or 3 because licensees would spend more time preparing PSDARs due to the lack of guidance.

### Alternative 3: Revise Regulatory Guide 1.185

Under this alternative, the NRC would revise Regulatory Guide 1.185 taking into consideration decommissioning lessons learned since the issuance of the guide in 2000. The impact to the public would be the voluntary costs associated with reviewing and providing comments to the NRC during the public comment period. The value to NRC staff and licensees would be the benefits associated with enhanced efficiency and effectiveness in using a common guidance document as the technical basis for the preparation and review of PSDARs.

## **4. Comparison of Alternatives**

For Alternative 1, the benefit would be that no agency resources would be committed to revising the regulatory guide. Licensees would continue to use guidance with which many licensees are already familiar. They would not incur any costs needed to revise their method of implementing the guide. However, RG 1.185 would not reflect lessons learned from decommissioning since its issuance in 2000. As a result, the NRC’s reviews of the PSDARs may be delayed because the NRC may have to issue RAIs and licensees may have to perform additional analyses to address those RAIs. Furthermore, these additional activities could lead to increased costs to licensees.

For Alternative 2, withdrawing the guide could be done at very modest cost. The benefit would be removal of a guide that does not reflect lessons learned in decommissioning. The impact of withdrawal is significant. By eliminating guidance for future licensees, the content of future PSDARs could vary from licensee to licensee, thereby making their review more burdensome for the staff. Likewise, due to the lack of guidance, licensees would be burdened by spending more time preparing PSDARs than under Alternative 1 or 3. Delays and cost increases would likely be greater than under Alternative 1 due to an increased number of requests for additional information resulting from the lack of standard PSDAR format and content.

For Alternative 3, the value to NRC staff and its licensees in revising the guide would be the benefits associated with providing guidance in light of lessons learned from decommissioning. The impact on the NRC would be the costs associated with preparing and issuing the regulatory guide. The impact on the public would be the voluntary costs associated with reviewing and providing comments to the NRC during the public comment period.

## **5. Conclusion**

Based on this regulatory analysis, the NRC staff recommends revision of Regulatory Guide 1.185. The staff concludes that the proposed action will enhance a licensee's ability to prepare the PSDAR through the use of a consistent content and format guide that has been updated to reflect lessons learned since its original issuance. A standard format and content guide will reduce staff review time and the need for requests for additional information. The staff sees no adverse effects associated with revising this regulatory guide.

Pre-Decisional