

October 22, 2015

MEMORANDUM TO: Victor M. McCree
Executive Director for Operations

FROM: William M. Dean, Director */RA/*
Office of Nuclear Reactor Regulation

SUBJECT: ADVANCE NOTICE OF PROPOSED
RULEMAKING – REGULATORY IMPROVEMENTS FOR POWER
REACTORS TRANSITIONING TO DECOMMISSIONING

Your approval and signature are requested on the enclosed *Federal Register* notice for an Advance Notice of Proposed Rulemaking (ANPR). The ANPR is constructed to seek public comment on specific questions and issues with respect to possible revisions to the U.S. Nuclear Regulatory Commission's (NRC's) requirements for power reactors transitioning to decommissioning. Stakeholder input will be used to inform the amendment of regulations associated with decommissioning and the supporting regulatory basis. The scope of the questions contained in the ANPR have been tailored to address Commission direction regarding development of the power reactor decommissioning rulemaking.

In Staff Requirements Memorandum (SRM)-SECY-14-0118, "Request by Duke Energy Florida, Inc., for Exemptions from Certain Emergency Planning Requirements," dated December 30, 2014 (Agencywide Document Access and Management System (ADAMS) Accession No. ML14364A111), the Commission directed the NRC staff to proceed with rulemaking on decommissioning and set an objective of early 2019 for its completion. The Commission also stated that this rulemaking should address the following:

- issues discussed in SECY-00-0145, "Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning," ADAMS Accession No. ML003721626) such as the graded approach to emergency preparedness;
- lessons learned from the plants that have already (or are currently) going through the decommissioning process;
- the advisability of requiring a licensee's post-shutdown decommissioning activity report (PSDAR) to be approved by the NRC;

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- the appropriateness of maintaining the three existing options (as defined in the attached ANPR) for decommissioning and the timeframes associated with those options;
- the appropriate role of State and local governments and nongovernmental stakeholders in the decommissioning process; and
- any other issues deemed relevant by the NRC staff.

In SECY-15-0014, "Anticipated Schedule and Estimated Resources for a Power Reactor Decommissioning Rulemaking," dated January 30, 2015 (ADAMS Accession No. ML15082A089 redacted), the NRC staff committed to proceed with a rulemaking on decommissioning and provided an anticipated schedule and estimate of the resources required for the completion of a decommissioning rulemaking. In SECY-15-0127, "Schedule, Resource Estimates, and Impacts for the Power Reactor Decommissioning Rulemaking," dated October 7, 2015, (ADAMS Accession No. ML15211A122), the staff provided further information to the Commission on resource estimates and work that will be delayed or deferred in FY 2016 to enable the staff to make timely progress consistent with Commission direction to have a final rule by 2019. The attached ANPR represents the NRC staff's first step in that rulemaking activity.

Enclosure:

Advance Notice of Proposed Rulemaking

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- the appropriate role of State and local governments and nongovernmental stakeholders in the decommissioning process; and
- any other issues deemed relevant by the NRC staff.

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ADAMS Accession No(s): ML15167A002 (Pkg.); ML15239B144 (Memo); ML15167A004 (ANPR) *via email

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