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General Comment

As the NRC explores potential changes to decommissioning regulations, they should also consider which regulations are not applicable for decommissioning power reactor licensees that store no spent fuel or special nuclear material on site in an ISFSI or Spent Fuel Pool.

Similar to requirements that are triggered on receiving the initial fuel shipment to the reactor site, when the fuel is no longer present on the site, these requirements should be specifically noted as no longer applicable with no additional action by a licensee after submittal of certification that all fuel has been removed from the site. The security regulation 10 CFR 73.1 is an example where the regulation describes that Part 73 is not applicable until special nuclear material is present at the site.

Previous NRC review of this concept is found in NUREG/CR-6451, Assessment of Permanently Shutdown Nuclear Power Plants.
In 1997, NRC documented their conclusion that permanently shutdown plants with no spent fuel are not a significant health risk and, therefore, require no offsite EP. The report, NUREG/CR6451, A Safety and Regulatory Assessment of Generic BWR and PWR Permanently Shutdown Nuclear Power Plants (1997), provides baseline data to the NRC for evaluating which regulations

The NUREG identifies four spent fuel configurations for decommissioning.
Spent Fuel Storage

Configuration 1 Hot Fuel in the Spent Fuel Pool

Configuration 2 Cold Fuel in the Spent Fuel Pool

Configuration 3 Fuel in an ISFSI

Configuration 4 All spent fuel shipped offsite. This configuration assumes the plant Part 50 license remains in effect only because the plant has not been fully decontaminated and cannot be released for unrestricted public access.

Section 3.4 Configuration 4 All fuel removed from site states:
After all the spent fuel has been removed from the site, the estimated inventory that remains, although considerable, is primarily attributable to activated reactor components and structural materials. There are no credible accident sequences that can mobilize a significant portion of this activity. As a result, the potential accidents that could occur during the decommissioning of a nuclear power reactor in Configuration 4 have negligible offsite and onsite consequences.

Section 4.4 Configuration 4 - Results
After all the spent fuel has been removed from the site, the radionuclide inventory that remains, although considerable, primarily consists of activated reactor components and structural materials. There are no credible accidents that can mobilize a significant portion of this activity. Previous studies (NUREG/CR-0130) have estimated that routine and postulated accident releases to the environment were in the range of pCi to 10 mCi.

Releases of this magnitude are also expected to result in negligible onsite accident worker doses and negligible onsite contamination.

Since decommissioning accidents that do not involve spent fuel have negligible public health consequences, offsite EP can also be eliminated for Configurations 3 (plant only) and 4. Specifically, in configuration 3 and 4, there is no need for:
The early public notification requirements of 50.47(b)(5) and Appendix E.IV.D.3.
The periodic dissemination of emergency planning information to the public of 50.47(b)(7) and Appendix E.IV.E.8.
Offsite emergency facilities and equipment such as the EOF, and the emergency news center (50.47(b)(8), Appendix E.IV.E.8).
Offsite radiological assessment and monitoring capability, including field teams (50.47(b)(9)).
Periodic offsite drills and exercises (50.47(b)(14), Appendix E.IV.F.3).
Licensee headquarters support personnel training (50.47(b)(15), Appendix E.IV.F.b.h).

Section 6, Summary and Conclusions states:

Part 50 offsite EP requirements can also be eliminated for Configurations 3 and 4 because the spent fuel has been transferred to an ISFSI (subject to Part 72 requirements) or transported offsite. Without spent fuel, the plant is not a significant health risk.
After all fuel has been removed from the site, the radionuclide inventory that remains, although considerable, cannot be easily dispersed into the environment. Previous studies have estimated very low accident releases that would have negligible offsite and onsite health effects.

Part 50 offsite EP requirements can be eliminated for Configurations 4 because the spent fuel has been transported offsite. Without spent fuel, the plant is not a significant health risk.