

Decommissioning Financial Assurance: Part 70 Licensees

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History

- 1988, First Requirements for Decommissioning Financial Assurance
- Decommissioning Planning Rule, effective Dec. 17, 2013
 - to minimize the likelihood of new “legacy sites” — those sites with insufficient resources to complete decommissioning and terminate the license at the end of operations
- Comprehensive guidance: NUREG-1757, Vol. 3, Rev. 1 and RG 4.22

Financial Assurance Requirements

- Part 70 licensees are required to provide financial assurance for all decommissioning activities.
- Decommissioning Planning Rule, relevant rule changes:
 - 10 CFR 70.25 (e)(1)(ii), identification of and justification for using the key assumptions contained in the Decommissioning Cost Estimate (DCE)
 - 10 CFR 70.25 (e)(2)(v) requires the DCE to specifically consider, “Changes in authorized possession limits”.

Current Guidance

- NUREG-1757, Vol. 3, Rev. 1: “Consolidated Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness”
- No credit for salvage value
- Cost estimate to include a substantial level of detail to allow NRC to fully evaluate the adequacy of the estimate
- In general, above a threshold quantity of radioactive material, the licensee must provide increasing amounts of financial assurance as its authorized possession limit increases.
- Cost estimate reflects decommissioning under appropriate facility conditions. For a Decommissioning Funding Plan, routine facility conditions should be assumed. For a Decommissioning Plan, facility conditions at the end of licensed operations should be assumed. In other words, the DCE should not assume inventory is offsite (end of licensed operations) until the DP is submitted.

Recent Reviews

- During recent reviews of Part 70 DCEs, RAIs were asked regarding how inventory was included in the DCE or if an existing plan was in place to move the inventory offsite.
- The submittals made the assumption that inventory would be offsite prior to decommissioning.
- By letter dated June 27, 2016 (ML16229A175), NEI expressed concern with Part 70 reviews of DCEs primarily concerning NRC's inventory RAIs.

Recent Reviews (continued)

- NRC held a public meeting (ML16295A049) with NEI and industry to discuss these issues.
- By letter dated January 25, 2017 (ML16307A014), NRC formally responded to the NEI letter. This letter also outlines a number of acceptable ways to meet the regulation.
- Over the last year, NRC has approved a number of DCE's which provided assumptions with reasonable justifications for why inventory is not included in the DCEs.

Examples of Justifications

Licensee–owned: Licensee has a contract in place where another party pays for packing, loading and shipping to an end destination.

Customer–owned: Customer retains legal title to the material and is contractually responsible for packing, loading and shipping to an end destination.

Inventory in-process: In order to reduce the likelihood of additional contamination, the licensee may justify a brief window of time, such as 30 days, in which it will process the material through into finished product, and then it will fall into licensee-owned or customer-owned inventory.

Based on the above, the licensee may be able to add a justification to the narrative of the DCE and not need to increase the cost estimate.

Eight Factors

Efficiencies in preparing DFPs include:

- 10 CFR 70.25(e)(2) requires the DFP to consider the following eight factors:
 - Spills of radioactive material producing additional residual radioactivity in onsite subsurface material
 - Waste inventory increasing above the amount previously estimated
 - Waste disposal costs increasing above the amount previously estimated
 - Facility modifications
 - Changes in authorized possession limits
 - Actual remediation costs that exceed the previous cost estimate
 - Onsite disposal
 - Use of a settling pond

Next Steps

- Development of Interim Staff Guidance covering inventory and efficiencies in preparing DFPs in FY 18.
- Continue to utilize the enhanced communication between NRC and licensee to inquire about points of clarification on submittals and have discussions on requests for additional information