

<b>As of:</b> 6/14/17 8:00 AM
<b>Received:</b> June 13, 2017
<b>Status:</b> Pending_Post
<b>Tracking No.</b> 1k1-8wxo-w79d
<b>Comments Due:</b> June 13, 2017
<b>Submission Type:</b> Web

# PUBLIC SUBMISSION

**Docket:** NRC-2015-0070

Regulatory Improvements for Power Reactors Transitioning to Decommissioning

**Comment On:** NRC-2015-0070-0178

Regulatory Improvements for Power Reactors Transitioning to Decommissioning; Request for Comment on Draft Regulatory Basis

**Document:** NRC-2015-0070-DRAFT-0201

Comment on FR Doc # 2017-05141

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## Submitter Information

**Name:** Jack Gadzala

**Submitter's Representative:** Stewart Yuen

**Organization:** Dominion Energy Kewaunee, Inc.

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## General Comment

Please see attached letter

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## Attachments

Docket NRC-2015-0070 - ANPR Dominion Endorsement (6-12-2017)

June 12, 2017

ATTN: Rulemakings and Adjudications Staff  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Serial No. GL17-011  
LIC/JG/R0

**DOMINION ENERGY KEWAUNEE, INC.**  
**KEWAUNEE POWER STATION**  
**COMMENTS ON THE NRC DRAFT REGULATORY BASIS DOCUMENT**  
**REGULATORY IMPROVEMENTS FOR POWER REACTORS TRANSITIONING TO**  
**DECOMMISSIONING (DOCKET ID NRC-2015-0070)**

Dominion Energy Kewaunee (DEK) is providing this letter on behalf of Dominion Energy (Dominion) in response to the NRC request for comment on the agency's draft Regulatory Basis Document (RBD) for a rulemaking proposing changes to the Commission's decommissioning regulations<sup>1</sup> and on a preliminary draft regulatory analysis that supports the RBD.<sup>2</sup> Dominion has been an active participant in the NRC and industry meetings regarding this topic and endorses the comments provided by the Nuclear Energy Institute (NEI).

Dominion currently has two sites, Kewaunee Power Station and Millstone Power Station Unit 1, which are in SAFSTOR. Therefore, Dominion emphasizes the following key points that are consistent with the NEI comments:

- NRC should include improvements to 10 CFR 37 along with this rulemaking, as documented in the NEI response to the *Federal Register Notice*<sup>1</sup> questions 6-9 in the section titled, "Potential Changes to 10 CFR Part 37".
- Regarding Financial Protection and Indemnity Agreements, we recommend a more complete description of the levels at which the requirements for financial protection and indemnity can be adjusted. More fully delineating levels of financial protection appropriate at given points in the decommissioning process tracks more closely with the agency's basis for adjusting financial protection requirements for plants that are transitioning through the decommissioning process.
- We note that NRC is now recommending rulemaking in two areas not previously addressed in the NRC's Advanced Notice of Proposed Rulemaking (ANPR)<sup>3</sup>: (1) contents of the Post-Shutdown Decommissioning Activities Report (PSDAR), and (2) requiring license amendments before commencing decommissioning. On the first recommendation, we do not agree with the proposed new

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<sup>1</sup> 82 *Fed. Reg.* 13,778 (March 15, 2017)

<sup>2</sup> 82 *Fed. Reg.* 21,481 (May 9, 2017)

<sup>3</sup> 80 *Fed. Reg.* 72,358 (November 19, 2015)

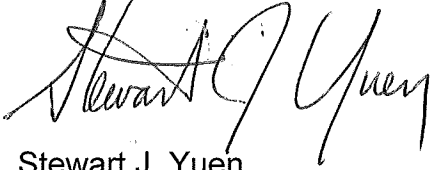
requirement for the PSDAR to contain a description of how spent fuel managed pursuant to a general independent spent fuel storage installation (ISFSI) license will be removed from the reactor site. On the second recommendation, we believe that the proposed clarification that the requirement for a license amendment before decommissioning activities may commence applies only to non-power reactors, is useful and should be addressed in the rulemaking.

- Licensees who are in the process of decommissioning (including those at an advanced stage of decommissioning in a "standalone" ISFSI configuration) should be permitted to choose between either continue complying with their current licensing basis, or transition to the new generic requirements. It is imperative that this rulemaking not impose additional regulatory burdens on plants that have already completed the transition to decommissioning or the decommissioning process itself. There is simply no safety or security basis to impose (*i.e.*, backfit) any new or different requirements on such licensees as a result of this rulemaking.
- The draft RBD reveals that the NRC staff is considering imposing additional substantive requirements (beyond those necessary to achieve NRC's stated objective of improving the efficiency of the transition through the decommissioning process) in areas such as cyber security (*i.e.*, extending applicability of cyber security requirements) and decommissioning funding (*i.e.*, requiring licensees to develop and maintain site-specific decommissioning cost estimates in lieu of using the minimum formula amount). We wish to emphasize that any amendments to the NRC's regulations that would require existing licensees to modify or add to systems, structures, components, or design of a facility, or the procedures or organization required to design, construct or operate a facility must comply with the agency's backfitting and issue finality provisions. From a timing perspective, the backfitting implications associated with imposing such additional requirements should be addressed before they are included in a proposed rule.

We strongly urge the NRC to continue on a path of completing a rulemaking to improve the efficiency of the transition from operations to decommissioning as expeditiously as possible. We continue to encourage NRC to utilize the proposal that NEI submitted in response to the ANPR in developing the final rule language. In the meantime, it continues to be important that NRC staff remain committed to the timely review of exemptions and license amendments that are necessary until this rulemaking can be completed.

Please contact Mr. William Zipp at 920-388-8842 if you have any questions or require additional information.

Sincerely,



Stewart J. Yuen  
Plant Manager, Kewaunee Power Station

Commitments made by this letter: None

References:

1. Advance Notice of Proposed Rulemaking, Regulatory Improvements for Decommissioning Power Reactors (Docket ID NRC-2015-0070)

cc: Regional Administrator, Region III  
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