

Reactor Decommissioning Licensing and Rulemaking Activities

REG CON
November 1, 2017

Meena Khanna
Division of Rulemaking
Office of Nuclear Material Safety and Safeguards

Recent and Planned Reactor Shutdowns

- **Six power reactors shut down since 2012**
- **Eight announced plans to shut down between 2018-2025**
 - **Potential for additional shutdowns is uncertain**
- **Factors affecting licensees' decisions:**
 - **Long-term availability of less expensive power**
 - **Increasing plant modification, maintenance, and repair costs**
- **Requests for license amendments and regulatory exemptions**
- **NRC staff issued a Lessons Learned Report (ML16085A029)**

Lessons Learned

- **Early engagement between licensees and NRC can provide substantial benefits.**
- **Licensees should start preplanning before permanent cessation of operations and submit licensing actions well ahead of need dates.**
- **Appropriate use of established precedent can expedite NRC staff review.**
- **Public and intergovernmental outreach can result in a smoother transition.**
- **The decommissioning process can be improved and made more efficient, open, and predictable by reducing its reliance on licensing actions to achieve a long term regulatory framework via rulemaking.**

Power Reactor Decommissioning Rulemaking Goals

- **Provide an efficient decommissioning process**
- **Reduce the need for requests for exemptions from existing regulations**
- **Address other decommissioning issues deemed relevant by the NRC staff**
- **Support the principles of good regulation, including openness, clarity and reliability**

Background

- **In SRM-SECY-14-0118, the Commission directed staff to address the following issues in the rulemaking:**
 - **Graded approach to emergency preparedness**
 - **Lessons learned from recently shutdown plants**
 - **NRC approval of post-shutdown decommissioning activities report**
 - **Maintaining three existing decommissioning options and associated timeframes**
 - **Role of State and local governments and non-governmental stakeholders in the decommissioning process**
 - **Other issues deemed relevant by staff**

Advance Notice of Proposed Rulemaking

- **In November 2015, the NRC published an advance notice of proposed rulemaking (ANPR) (80 FR 72358). The ANPR covered the following topics:**

Emergency Preparedness	Physical Security	Fitness for Duty
Training Requirements for Certified Fuel Handlers	Current Regulatory Approach for Decommissioning	Application of Backfitting Protection
Decommissioning Trust Funds	Offsite and Onsite Liability Protection	General Questions (e.g., Cumulative Effects of Regulation)

- **The NRC received 162 comment submissions in response to the ANPR, which the staff considered in preparing the draft regulatory basis.**

Draft Regulatory Basis

- **Draft Regulatory Basis was issued for 90-day public comment period on March 15, 2017**
 - 82 FR 13778; ADAMS Accession No. ML17047A413
- **Preliminary draft regulatory analysis was issued for public comment on May 9, 2017**
 - 82 FR 21481; ADAMS Accession No. ML16271A511
- **Comment period for both documents ended on June 13, 2017.**
- **Staff held a public meeting on May 8-10, 2017 to enhance understanding of these documents.**

Conclusions in Draft Regulatory Basis

- **Areas with sufficient justification to proceed with rulemaking:**
 - **Emergency preparedness**
 - **Physical security**
 - **Decommissioning trust funds**
 - **Offsite and onsite financial protection requirements and indemnity agreements**
 - **Application of the backfit rule**
- **Guidance, rather than rulemaking, should be used to address:**
 - **Role of State and local governments in the decommissioning process**
 - **Level of NRC review and approval of a licensee's post-shutdown decommissioning activities report**
 - **60-year limit for power reactor decommissioning**

Conclusions in Draft Regulatory Basis (Cont'd)

- **NRC staff assessing its options prior to making a recommendation for:**
 - **Cyber security**
 - **Drug and alcohol testing**
 - **Minimum staffing and training requirements for certified fuel handlers**
 - **Aging management**
 - **Fatigue management**

Comments on Draft Regulatory Basis

- **NRC received 40 public comment submissions on the draft regulatory basis.**
- **Comments received from private citizens, members of industry, state and local governments, non-governmental organizations.**
- **Most comments received on Emergency Preparedness, Current Regulatory Approach to Decommissioning, and Decommissioning Trust Funds.**

Path Forward

- **Final Regulatory Basis**
 - **November 2017**
- **Proposed Rule/Draft Regulatory Guidance**
 - **Provide to Commission in Spring 2018**
- **Draft Final Rule/Final Regulatory Guidance**
 - **Provide to the Commission in Fall 2019**

Questions?

