



Update on the Decommissioning Rulemaking

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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.**
- **Rulemaking can provide a more efficient, open, and predictable process than plant-specific licensing actions.**



Commission Direction

- **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**



Rulemaking Activities

- **Advance Notice of Proposed Rulemaking was issued for comment in November 2015**
 - 80 FR 72358
- **Draft Regulatory Basis (RB) was issued for comment in March 2017**
 - 82 FR 13778; ADAMS Accession No. ML17047A413
- **Regulatory Analysis (RA) for Draft RB was issued for comment in May 2017**
 - 82 FR 21481; ADAMS Accession No. ML16271A511
- **Staff held a public meeting in May 2017**
- **RB was issued in November 2017**
 - 82 FR 55954; ADAMS Accession No. ML17215A010
- **RA for RB was issued in February 2018**
 - 83 FR 5373; ADAMS Accession No. ML17332A075



Regulatory Basis Conclusions

- **The NRC staff recommended that there is sufficient justification to proceed with rulemaking in the following areas:**
 - **Emergency preparedness**
 - **Physical security**
 - **Cybersecurity**
 - **Drug and alcohol testing**
 - **Training requirements for certified fuel handlers**
 - **Decommissioning trust funds**
 - **Financial protection requirements and indemnity agreements (onsite/offsite insurance)**
 - **Application of the backfit rule**



Regulatory Basis Conclusions, Cont'd.

- **The NRC staff recommended addressing some topics via updated guidance or inspection procedures in lieu of rulemaking. These topics include:**
 - **Minimum staffing**
 - **Post-shutdown Decommissioning Activities Report submittals**
 - **The role of State and local governments in the decommissioning process**
 - **Aging management of certain plant systems, structures and components**



**GRADED
 APPROACH**

**Docketing of
 § 50.82/§ 52.110
 Certifications**

**Permanent Cessation
 of Operations
 + 10 Months (BWR) or
 16 Months (PWR)**

All Fuel in ISFSI

All Fuel Offsite

LEVEL 1

LEVEL 2

LEVEL 3

LEVEL 4

**Emergency
 Preparedness**

**Post Shutdown
 Emergency Plan
 (PSEP)**

**Permanently Defueled
 Emergency Plan
 (PDEP)**

**ISFSI Only
 Emergency Plan
 (IOEP)**

**Permanent or Interim
 Waste Storage
 Available**

Physical Security

**Can make certain
 physical security plan
 changes without prior
 approval**

**Can transition from
 §73.55 to §73.51
 requirements**

Cybersecurity

**Removal of
 cybersecurity
 requirements**

**Onsite/Offsite
 Insurance**

**Reduction of onsite
 insurance to \$50 million**

**Reduction of offsite
 insurance to \$100 million**



Path Forward

- **Proposed Rule/Draft Regulatory Guidance**
 - **Provide to Commission in May 2018**
 - **Public meeting will be held after Proposed Rule and Draft Regulatory Guidance are issued for public comment**
- **Draft Final Rule/Final Regulatory Guidance**
 - **Provide to the Commission in Fall 2019**
 - **Public meeting will be held to discuss implementation of the rule prior to delivering rule to the Commission for vote**