



April 24, 2018

Mr. Victor M. McCree
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555-0001

Dear Mr. McCree;

On behalf of the Decommissioning Plant Coalition (DPC)¹, I am writing pursuant to the DPC's March 8, 2018 letter to you in which we committed to develop a template of applicability as it relates to the regulations for the various phases of decommissioning to help ensure that the impacts of the proposed regulatory changes are clearly understood.

A template is attached that depicts the current requirements for our plants at "Level 4," in the nine specific areas in which the staff is contemplating changes for sites going through the Decommissioning transition. We trust that this template can be used as a tool to aid in the staff's stated goal of ensuring that there are no unintended consequences to Level 4 sites as a result of the decommissioning rulemaking effort. The staff has indicated it is sensitive to the DPC position that as decommissioning sites reach what is now defined as, "Standalone ISFSI/Decommissioned Reactor Sites," they are identical in their regulatory bases to those that previously reached that defined status. We believe this template can be especially useful in such an effort.

This template does not address our endorsement of additional specific staff initiatives outlined in its rulemaking effort that we previously addressed in the

¹ The DPC was established in 2001 out of the recognition that the overwhelming attention of the regulator, the industry, and policy makers would be focused on the operating fleet and provides a forum for the identification of federal policy and regulatory issues of unique or special concern to decommissioning civilian nuclear facilities. Since its inception, plants that have been represented in the work of the DPC include: Big Rock (MI), Connecticut Yankee (CY), Crystal River (FL), Dairyland (WI), Humboldt Bay (CA), Maine Yankee (ME), Rancho Seco (CA), San Onofre (CA), Vermont Yankee (VT), Yankee Rowe (MA), and Zion (IL). Our primary goal remains to hasten the day when the spent fuel stored on-site will be successfully removed and no longer our companies' liability. The importance of this goal cannot be overstated; several of our member companies are simply awaiting the fulfillment of that goal to go out of business; some others find that spent fuel and GTCC storage consume up to 20% of corporate attention and resources, a disparate amount especially in view of the fact that these facilities no longer produce revenue. However, until the day comes that the Government meets its obligation to remove the SNF/HLW from our sites the DPC remains committed to engaging in industry activities that directly affect those sites.

March 8 letter. For example, we endorsed the staff's intent to further develop Option 3 as stated in Section 4.3 in Appendix G of the staff's November Regulatory Basis. We see this as a regulatory improvement that will not bring about unintended and inefficient consequences.

We will be providing comments on the draft final rule to ensure our mutual aim that there be no unintended consequences as decommissioning work proceeds toward the eventual Stand Alone ISFSI/Decommissioned Reactor Site status. Similar to the March 8 letter, the DPC is not looking for a response to this letter but would be pleased to answer any questions. As before, we offer this feedback in hopes of continuing the constructive dialogue and engagement in the implementation of this important rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Norton', with a long horizontal flourish extending to the right.

Wayne Norton
DPC Steering Committee Chair

cc: Chairman Svinicki
Commissioner Burns
Commissioner Baran

Attachment: As stated

DECOMMISSIONING RULEMAKING TEMPLATE WITH EXISTING STAND-ALONE ISFSI LICENSING BASIS

DECOMMISSIONING STATUS					
REG BASIS RULEMAKING AREAS	Shut Down Fuel Permanently Out of Reactor		ISFSI-Only All Fuel and GTCC in Dry Storage Reactor Not Decommissioned	Stand-Alone ISFSI/ Decommissioned Reactor	All SNF & HLW Removed - ISFSI to be Decommissioned & License Terminated
	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
	Docketing of 50.82 & 52.110 Certifications	Permanent Cessation of Operations + 10 months BWR or 16 months PWR		Stand-Alone ISFSI Sites Part 50 General & Part 72 Specific Licensee Existing Licensing Basis	
Emergency Preparedness				Exemptions to 50.47 and App.E or meet 72.32 to reflect on-site EP only	
Physical Security				NRC 9/11/01 orders and exemptions to 73.55 and App B and Approved Alternative Measures to closely resemble 73.51 PSPs	
Cybersecurity				Cybersecurity requirements not applicable	
Drug & Alcohol Testing				10 CFR 26.3 FFD Program requirements do not apply	
Fatigue Requirements				No regulations applicable	
Certified Fuel Handlers				No minimum staffing requirements apply - no CFHs at the sites	
Decommissioning Trust Funds				10 CFR 50.75 applies to general and 72.30 to specific licensees - only the ISFSI to be decommissioned	
Onsite/Offsite Insurance				\$50 Million Primary Property Insurance - \$100 Million Primary Liability Insurance	
Backfitting Provisions				50.109 applies to general and 72.62 to specific licensees	