



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 3, 2021

SECRETARY

MEMORANDUM TO: Daniel H. Dorman
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS – SECY-18-0055 – PROPOSED
RULE: REGULATORY IMPROVEMENTS FOR PRODUCTION
AND UTILIZATION FACILITIES TRANSITIONING TO
DECOMMISSIONING (RIN 3150-AJ59)

The Commission has approved publication of the proposed rule in the *Federal Register*, subject to the direction and comments provided below and in the enclosure. The staff should make conforming changes to the draft regulatory analysis, regulatory guidance, scope of the proposal, section-by-section analysis, and environmental assessment to reflect these edits and comments. The Commission also approves the staff's recommendation to close the task that directed the staff to codify the definitions of the decommissioning options (WITS 201100252/ NMSS2014413).

The staff should clarify the applicability of this rule based on bounding operating parameters. Specifically, the staff indicated that the analysis assumption of 60 GWd/MTHM conservatively bounds current industry burnups but also provides margin for potentially higher burnup rates. If this rule will be applicable to licensees considering fuels with higher burnup, higher enrichment, and different cladding materials, the staff should address this in the rule language. Specifically, the staff should clarify if a different decay period (i.e., more than 10 to 16 months) is needed for burnup rates higher than 60 GWd/MTHM.

The Commission has disapproved the staff's recommendation to generically allow licensees to use decommissioning trust funds for spent fuel management and for expenses associated with the decommissioning of the Independent Spent Fuel Storage Installation.

The Commission has disapproved the recommendation to remove § 50.54(bb)'s "preliminary approval" and final NRC review of Irradiated Fuel Management Programs.

The staff should require that at the post-shutdown decommissioning activities report (PSDAR) stage licensees identify decommissioning activities not bounded by previous environmental reviews, which will be addressed in the future. In cases where an activity is identified as not bounded by prior reviews, the public should be afforded an opportunity to participate in the process before the decommissioning activity occurs.

The staff should update NUREG-0586, Supplement 1, Volumes 1 and 2, "Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities: Regarding the Decommissioning of Nuclear Power Reactors" (Decommissioning GEIS), to reflect current decommissioning practices and lessons learned from previous reviews. The staff should provide

specific guidance for resource areas that cannot be generically resolved in the Decommissioning GEIS and will therefore need to be addressed by individual licensees before commencement of decommissioning.

Enclosure:

As stated

cc: Chairman Hanson
Commissioner Baran
Commissioner Wright
OGC
CFO
OCA
OPA
ODs, RAs, ACRS, ASLBP
PDR