

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Public Meeting to Discuss the Proposed Rulemaking on "Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning"

Docket Number: (n/a)

Location: Chicago, Illinois

Date: Tuesday, April 12, 2022

Work Order No.: NRC-1924

Pages 1-60

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1716 14th Street, N.W.
Washington, D.C. 20009
(202) 234-4433

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
+ + + + +
PUBLIC MEETING TO DISCUSS THE PROPOSED RULEMAKING
ON "REGULATORY IMPROVEMENTS FOR PRODUCTION AND
UTILIZATION FACILITIES TRANSITIONING TO
DECOMMISSIONING"

+ + + + +

TUESDAY

APRIL 12, 2022

+ + + + +

The meeting convened at the Courtyard by
Marriott Chicago Downtown/River North, and by video
teleconference, at 6:00 p.m. CT, Frances Ramirez,
Senior Reactor Inspector, presiding.

PRESENT

HOWARD BENOWITZ, OGC/LRAA/RASFP

DANIEL DOYLE, NMSS/REFS/RRPB

SARAH LOPAS, NMSS/MSST/MSEB

FRANCES RAMIREZ, R-IV/DORS/IPAT

JOHN TAPPERT, NMSS/REFS

C-O-N-T-E-N-T-S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PAGE

Call to Order, Welcome, and Logistics.....3

Opening Remarks.....6

Background and Status.....8

Overview of the Proposed Rule.....13

Public Feedback and Questions.....53

Wrap-up.....59

P-R-O-C-E-E-D-I-N-G-S

6:00 p.m. CT

MS. RAMIREZ: Good evening. Hello, everyone.

My name is Frances Ramirez. I am a Senior Reactor Inspector at the U.S. Nuclear Regulatory Commission, or NRC. And it is my pleasure to facilitate today's meeting, along with the NRC staff who will be here in this room in Chicago, and with the staff and teams joining us virtually.

This meeting will have a hybrid format, and we're going to do our best to help make this meeting worthwhile for everyone. We're hoping that you can help us out with that.

Slide 2, please.

The purpose of this meeting is to provide information to help you to make more educated comments on the Proposed Decommissioning Rule and the Draft Regulatory Guidance. We will be going through the various ways you can participate in this commenting process as part of our presentation.

Slide 3, please.

Here's our agenda for today. After I finish with logistics, we'll have some opening remarks, and then, we'll provide our presentations,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 which will include details on background and status;
2 an overview of the proposed rule; tips for preparing
3 comments, and next steps. We'll then open the floor
4 for feedback and questions.

5 Slide 4, please.

6 Please note that today's meeting is being
7 recorded and transcribed. We ask that you help us get
8 a full, clear accounting of the meeting by staying on
9 mute if you are on the phone or on Teams and are not
10 speaking, or if you're in the room, keeping your
11 electronic devices in silent and keeping side
12 conversations or discussions to a minimum.

13 Also, it would help us out greatly if all
14 speakers can identify themselves and any group they're
15 with when they first talk.

16 All the meeting attendees have microphones
17 muted and cameras disabled during the presentation.
18 When we get to the Q&A portion of the meeting, those
19 of you on Teams can use the "raise your hand" feature
20 to signal that you have a question. Those on the
21 phone can use *5. Once our Teams facilitator Sarah
22 enables your microphone, you will have to unmute
23 yourself before you ask your question.

24 Please note that the chat feature on Teams
25 has been disabled.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 If you are having trouble seeing the
2 slides, or if they are not advancing for you, the
3 slides that will be shown on today's presentation can
4 be found in the NRC's ADAMS library at ML22101A015.
5 You can also go to the meeting notice page at the
6 NRC's website, and there is a link to the slides
7 there.

8 Any phone attendees, please email Dan
9 Doyle for attendance. The email is listed on this
10 slide.

11 One other item. We are hoping you will
12 fill out our public meeting feedback form. You can
13 link to the public meeting feedback form from the NRC
14 public meeting schedule page for this meeting. Your
15 opinion on how this meeting went will help us improve
16 and inform future meetings. So, please take a moment
17 to let us know what you think.

18 For those of you in the room with us
19 today, please note that the emergency exits are to our
20 left and out, and then, the restrooms are outside
21 towards the elevator and to the left.

22 Slide 5, please.

23 All right. I would like to introduce John
24 Tappert, who is the Director of the NRC's Division of
25 Rulemaking, Environmental, and Financial Support, to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 give some opening remarks.

2 MR. TAPPERT: Thanks, Frances.

3 And good evening.

4 As Frances says, I'm John Tappert. I'm
5 the Director of the NRC's Division of Rulemaking,
6 Environmental, and Financial Support.

7 And I would like to thank you for joining
8 us today to talk about the NRC's decommissioning
9 rulemaking. The NRC's goals for this rulemaking are
10 to maintain a safe, effective, and efficient
11 decommissioning process; incorporate lessons learned
12 from previous decommissionings, and support the NRC's
13 principles of good regulation, including openness,
14 clarity, and reliability.

15 The proposed rule would implement specific
16 regulatory requirements for different phases of the
17 decommissioning process, consistent with the reduced
18 risk that occurs over time, while continuing to
19 maintain safety and security.

20 The proposed rule would incorporate
21 lessons learned from the plants that have recently
22 transitioned to decommissioning and improve the
23 effectiveness and efficiency of the regulatory
24 framework while protecting public health and safety.

25 Public comment has twice played an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 important role in the development of this proposed
2 rule. We published an Advance Notice of Proposed
3 Rulemaking and, later, with the Draft Regulatory
4 Basis.

5 We are seeking public input on the
6 proposed rule to influence regulations that will guide
7 future nuclear plant decommissioning. The rule
8 addresses several regulatory areas, which you will
9 hear about more later in the meeting.

10 We hope today's meeting will help you
11 better understand the proposed rule. We look forward
12 to your feedback and questions today. But please note
13 that the NRC will not be responding in writing to
14 verbal comments from today's meeting.

15 Comments must be submitted in writing
16 through the methods described in the Federal Register
17 notice to receive formal consideration in the
18 rulemaking.

19 This is our third public meeting on the
20 proposed rule. We will be having additional meetings
21 in other locations around the country with the option
22 for virtual participation. Please check the NRC's
23 public website for additional details about upcoming
24 public meetings and for other resources to help you as
25 you review the proposed rule.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Thank you.

2 MS. RAMIREZ: Okay. Thank you, John.

3 Slide 6, please.

4 I would now like to introduce our
5 presenters today. In the room, we have Dan Doyle.
6 He's a Senior Rulemaking Project Manager in the
7 Reactor Rulemaking and Project Management Branch. And
8 in Teams, we have Howard Benowitz, a Senior Attorney
9 in the NRC's Office of the General Counsel.

10 If folks could let Dan and Howard get
11 through the presentation, we will then open the floor
12 for questions.

13 MR. DOYLE: All right. Thank you,
14 Frances.

15 So, before I move ahead here, I just
16 wanted to make a few points.

17 If you attended one of the previous
18 meetings that we had -- as John mentioned, this is our
19 third public meeting on the proposed rule -- please
20 note that the first half of the meeting, the NRC staff
21 presentation will be the same material, and then,
22 we'll open it up for Q&A for the rest of the time.

23 One change that we did make was to
24 alternate the presenters, just to try to make it a
25 little more engaging or interesting, just to kind of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 change up the speakers, but the material will be the
2 same.

3 And then, one final note before we move
4 ahead. On the meeting platform, we are using
5 Microsoft Teams for this meeting today. Under the
6 slides on your screen, if you've connected on the
7 computer, you should see arrows that would let you
8 flip forward and back, and you also have the ability
9 to click on any of the links that are in the slides.
10 We have included some of the key documents for your
11 convenience. So, you should be able to click those
12 links and just, if you move around, that only affects
13 your view. That does not affect anyone else.

14 And as Frances mentioned, the microphones
15 for attendees are disabled. If there is an issue that
16 you feel is affecting the effectiveness of the
17 meeting, you can raise your hand and bring that to our
18 attention, please.

19 All right. Next slide, please.

20 Okay, I will briefly go over some of the
21 background on this rulemaking, why we started, and the
22 current status.

23 Next slide, please. So, this is slide 8.

24 For context, there was an increase in
25 nuclear power plant shutdowns that focused the NRC's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 attention on making some changes to the regulations
2 related to decommissioning.

3 So, the NRC initiated rulemaking in
4 December of 2015 to explore changes related to that
5 process. We've already completed some extensive
6 public outreach. We solicited early comments on an
7 Advance Notice of Proposed Rulemaking, and we also
8 issued a regulatory basis document.

9 We had public comment periods on both of
10 those and public meetings. We have information about
11 both of those early outreach efforts on our public
12 website, which we have a link for later in this
13 presentation.

14 So, the recent update, and the reason that
15 we're having this meeting today, is because we
16 published a proposed rule in the Federal Register on
17 March 3rd, 2022. The citation is shown on the slide
18 there. It's 87 FR 12254.

19 So, we are in the public comment period
20 right now. It is 75 days and it will end on May 17th,
21 2022.

22 Next slide, please. All right. We are on
23 slide 9.

24 For convenience, we have two slides that
25 list all of the key documents associated with this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 proposed rule with links to access them directly. So,
2 this is the first slide.

3 Again, there's the citation for the
4 proposed rule with links to a web version and, also, a
5 printed version.

6 Supporting and related materials. We have
7 a Draft Regulatory Basis which discusses the cost and
8 benefits associated with this action; a Draft
9 Environmental Assessment for compliance with the
10 National Environmental Policy Act, and draft
11 supporting statements for information collections.

12 There are some changes related to
13 information collection associated with this rule. So,
14 those are discussed in the information collections
15 analysis for compliance with the Paperwork Reduction
16 Act.

17 We have an additional document listed on
18 the slide there, the unofficial Redline Rule text. I
19 will talk about that more a little bit later, but,
20 basically, it shows how the proposed rule would modify
21 the current rule language in a redline/strikeout
22 format. So, showing text that would be inserted or
23 deleted. So, that may be helpful to see it in
24 context.

25 And hopefully, it's clear from the title.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 We also have a disclaimer in the introduction for
2 that document that it is unofficial. The official
3 legal version is what is published in the Federal
4 Register. So, please do not rely on just the
5 unofficial version for your comments. But we do hope
6 that that will be helpful.

7 Next slide, please. Slide 10.

8 We are also updating four guidance
9 documents as part of this rulemaking. So, they are
10 available for public comment as well. They're listed
11 here on this slide. The first one would be a new
12 Regulatory Guide and the other three are updates to
13 existing Regulatory Guides.

14 The first one, Draft Guide 1346, is
15 related to emergency planning for decommissioning
16 power plants.

17 The second one, Draft Guide 1347, would be
18 an update to Reg Guide 1.184, "Decommissioning Nuclear
19 Power Plants."

20 The next one, Draft Guide 1348, would be
21 an update to Reg Guide 1.159, "Availability of Funds
22 for Decommissioning Production or Utilization
23 Facilities."

24 And the last one on the list, Draft Guide
25 1349, would be an update to Reg Guide 1.185, "Standard

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Format and Content for Post-Shutdown Decommissioning
2 Activities Reports."

3 So, these four documents are also out for
4 comment, for public comment, right now. If you have
5 comments on the rule and the guidance, please go ahead
6 and submit that all together in the same document.

7 Next slide, please.

8 So, for this part of the meeting, we will
9 give an overview of the proposed rule. I will start
10 with a general discussion of the graded approach
11 concept that we discuss in the proposed rule and how
12 that's been applied to several of the technical areas.

13 The rest of the slides will give an
14 overview for each of the 16 technical areas or
15 technical topics in the proposed rule.

16 I would also like to point out that I am
17 the Rulemaking Project Manager and serving as
18 spokesman for many of these topics today. But we also
19 have a great team of NRC staff who are the subject
20 matter experts on these topics, and many of them are
21 on the line here today and available to answer
22 questions when we do get to the Q&A session later.

23 Next slide, please. So, we're on slide
24 12.

25 The proposed rule takes a graded approach

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to decommissioning, where different levels of
2 requirements apply at different stages of the
3 decommissioning process. And we're trying to convey
4 that on this slide here.

5 Across the top of this table are the four
6 levels that are used in the proposed rule, as a
7 facility goes through the decommissioning process.

8 Level 1 begins after the facility docket
9 the two required certifications. One is for permanent
10 cessation of operations, and the other is that fuel
11 has been removed from the reactor vessel.

12 Level 2 is, after a period of sufficient
13 decay of the spent fuel, which would generically be 10
14 months for a boiling water reactor or 16 months for a
15 pressurized water reactor, if they meet the criteria
16 in the proposed rule.

17 Level 3 would be when all fuel is in dry
18 cask storage.

19 And Level 4 would be when all fuel is
20 offsite.

21 The rows in this table show the topic
22 areas that have updated requirements linked to these
23 levels.

24 Emergency preparedness would use all four
25 levels, starting with the post-shutdown emergency plan

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 in Level 1 through Level 4, where there is no longer a
2 need for an onsite radiological emergency response
3 plan because all fuel is offsite.

4 The other topic areas that use the graded
5 approach include physical security, cyber security,
6 and onsite/offsite insurance, which we'll discuss in
7 the next slides.

8 Next slide, please.

9 This is the first of the 16 topic slides
10 that I mentioned. For each of these, you'll see a
11 summary of the proposed changes. The box in the upper
12 right for each these slides identifies the section in
13 the proposed rule with a more detailed discussion of
14 the topic, as well as the page numbers. And we also
15 have listed all of the sections in the Code of Federal
16 Regulations, or CFR, that would be changed related to
17 this topic.

18 Where it says, "Specific Requests for
19 Comments" on each slide, we will mention if there are
20 any questions related to this topic in Section 5 of
21 the proposed rule, where the NRC included questions
22 for the public to consider, when providing comments.

23 On the bottom slide, we have a progress
24 bar showing which topic we're on and the ones that we
25 did recently, and the ones that are coming up next, in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 case that's helpful.

2 All right. So, moving ahead with this
3 first topic here, "Emergency Preparedness," a little
4 background on this topic. Because the current
5 regulations do not provide a means to distinguish
6 between the emergency planning requirements that apply
7 to an operating reactor and the requirements that
8 apply to a reactor that has permanently ceased
9 operations, decommissioning licensees have
10 historically requested exemptions from emergency
11 preparedness requirements.

12 The proposed rule would provide common EP
13 requirements for reactors in decommissioning,
14 eliminating the need for specific exemptions or
15 license amendments. Because of the decreased risk of
16 offsite radiological release and the fewer types of
17 possible accidents that can occur at a decommissioned
18 reactor, the proposed EP requirements align with that
19 reduction in risk while maintaining safety.

20 So, what changes are we proposing? The
21 NRC is proposing to add a new section, 10 CFR 50.200,
22 which would provide planning standards and
23 requirements for post-shutdown and permanently
24 defueled emergency plans. The proposed standards and
25 requirements for emergency plans are consistent with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the level of planning that the Commission has
2 previously approved for decommissioned facilities.

3 The proposed planning requirements also
4 ensure close coordination and training with offsite
5 response organizations is maintained throughout the
6 decommissioning process.

7 The NRC is also proposing to amend
8 10 CFR 50.54(q) to provide licensees with the option
9 to use the tiered requirements and standards at the
10 appropriate time in decommissioning and to add a new
11 process by which licensees can make changes to the
12 emergency plans to transition between levels.

13 So, there are two questions related to
14 this topic that we're asking for stakeholder input on.

15 The first is asking about advantages and
16 disadvantages of requiring dedicated radiological
17 emergency planning, including a 10-mile Emergency
18 Planning Zone, until all spent fuel at a site is
19 removed from the spent fuel pool and placed in dry
20 cask storage.

21 "Is there additional information the NRC
22 should consider in evaluating whether all hazards
23 planning would be as effective as dedicated
24 radiological emergency planning?"

25 The NRC has determined that 10 hours would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 be a sufficient amount of time for an emergency
2 response to a spent fuel pool accident, based on an
3 all hazards plan. "Is there additional information
4 the NRC should consider in evaluating this issue?"

5 And then, the second question that we have
6 on this topic: nuclear power facilities that are shut
7 down permanently or indefinitely are currently not
8 required to maintain an emergency response data
9 system. These systems transmit near-real-time
10 electronic data between the licensee's onsite computer
11 system and the NRC Operations Center.

12 Licensees in Level 1 would maintain a
13 capability to provide meteorological, radiological,
14 and spent fuel pool data to the NRC within a
15 reasonable timeframe following an event.

16 "What are the advantages and disadvantages
17 of requiring nuclear power plant licensees to maintain
18 those aspects of the emergency response data system
19 until all spent fuel is removed from the pool?"

20 And then, the additional information, we
21 just wanted to point out that the staff has developed
22 guidance corresponding to these proposed rule changes.

23 So, for emergency planning, we have proposed new
24 Regulatory Guide "Emergency Planning for
25 Decommissioning Nuclear Power Reactors, Draft Guide

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 1346."

2 The NRC believes that these changes will
3 establish EP requirements commensurate with the
4 reduction in radiological risk, as licensees proceed
5 through the decommissioning process, while continuing
6 to provide reasonable assurance that protective
7 actions can and will be taken, and maintaining EP as a
8 final independent layer of defense-in-depth.

9 Next slide, please. Okay, we're on slide
10 14.

11 So, for this slide, I will turn it over to
12 Mr. Howard Benowitz, a Senior Attorney from the Office
13 of the General Counsel.

14 Howard?

15 MR. BENOWITZ: Thanks, Dan.

16 And good evening, everyone.

17 Slide 14 concerns the backfit rule. In
18 10 CFR 50.109, the NRC has the backfitting provisions
19 for nuclear power reactor licensees. And in the
20 proposed rule, we would provide a new backfitting
21 provision for nuclear power reactor licensees in
22 decommissioning. The proposed rule would renumber
23 paragraphs of Section 50.109. So, Section 50.109(a)
24 would be the current backfit rule, and Section
25 50.109(b) would be new rule text for decommissioning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 nuclear power reactor licensees.

2 We are proposing edits to a backfitting
3 provision in Part 72 of our regulations, so that that
4 backfitting provision would apply during the
5 decommissioning of an independent spent fuel storage
6 installation, or ISFSI, or a monitored retrievable
7 storage facility. Those types of facilities are
8 licensed under Part 72.

9 The proposed rule would also revise a
10 requirement in 50.109 that the NRC must consider the
11 cost of imposing a backfit if the basis for the
12 backfitting is the compliance exception to the
13 requirement to perform a backfit analysis. This
14 proposed change is based on a 2019 update to the
15 Commission's backfitting policy in Management
16 Directive 8.4, which you can find on our public
17 website.

18 We are also asking in the proposed rule
19 FRN a question about how the backfit rule should work
20 in decommissioning, and whether we should even apply
21 it during decommissioning. So, we'll encourage you to
22 respond to that Request for Comments.

23 Thanks.

24 Dan?

25 MR. DOYLE: Thank you, Howard.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Next slide, please.

2 Environmental Considerations. The
3 proposed rule clarifies the various environmental
4 reporting requirements, including those related to the
5 content of the Post-Shutdown Decommissioning Activity
6 Reports, or PSDARs. In part, the proposed rule change
7 would clarify that licensees at the PSDAR stage are
8 required to evaluate the environmental impacts from
9 decommissioning and provide in the PSDAR the basis for
10 whether the proposed decommissioning activities are
11 bounded by a previously-issued, site-specific, or
12 generic environmental reviews.

13 The Commission provided additional
14 direction in its Staff Requirements Memorandum in
15 November with respect to the consideration of any
16 identified unbounded impacts. The rule changes would
17 allow licensees to use appropriate federally-issued
18 environmental review documents prepared in compliance
19 with the Endangered Species Act, the National Historic
20 Preservation Act, or other environmental statutes,
21 rather than just Environmental Impact Statements. The
22 rule would also remove language referencing amendments
23 for authorizing decommissioning activities in 10 CFR
24 Part 51.

25 In developing the original proposed rule,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the NRC staff considered, but dismissed, a proposal
2 that staff approve each licensee's PSDAR before
3 allowing major decommissioning activities to begin.
4 This was done on the basis that requiring approval of
5 a PSDAR would have no additional benefit in terms of
6 public health and safety. However, we have included a
7 specific request for comment about whether the NRC
8 should require approval of the PSDAR, site-specific
9 environmental review, and a hearing opportunity before
10 undertaking any decommissioning activity.

11 "Other than NRC review and approval of the
12 PSDAR, are there other activities that could help to
13 increase transparency and public trust in the NRC
14 regulatory framework for decommissioning? Should the
15 rule provide a role for state and local governments in
16 the process, and what should that role be?"

17 The two Regulatory Guides related to
18 PSDARs were revised to include clarifying language
19 consistent with the rule changes.

20 And then, a side note related topic for
21 your awareness: the decommissioning generic
22 Environmental Impact Statement will be updated
23 separately by the NRC in the future, so not as part of
24 this rulemaking activity.

25 Next slide, please.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. BENOWITZ: All right. Back to me.

2 This slide concerns the removal of some
3 license conditions and withdrawal of an order that's
4 related to decommissioning in some way.

5 So, the order would be Order EA-06-137
6 concerning mitigation strategies for large fires or
7 explosions at nuclear power plants.

8 The license conditions are the conditions
9 that are associated with that order and, also, Order
10 EA-02-026. Those orders were issued after the events
11 of 9/11 and are related to strategies and requirements
12 that our nuclear power plant licensees had to take or
13 implement following those events.

14 There are also license conditions
15 regarding cyber security that would be removed, and
16 Dan will be talking about those license conditions in
17 the discussion of the cyber security topic in this
18 proposed rule.

19 The license conditions would be deemed
20 removed by the proposed rule if we issue the final
21 rule with those provisions, but they would actually be
22 removed by the NRC in an administrative procedure
23 subsequent to the effective date of the final rule.
24 So, licensees would not have to request a license
25 amendment. The NRC can take the initiative to do

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 that.

2 We are asking in the Federal Register
3 notice for the proposed rule a question about whether
4 there are other provisions or license conditions, or
5 other redundant requirements, that are not listed in
6 this proposed rule that we could address in the final
7 rule, like these orders that we're removing them
8 because they are substantively redundant with existing
9 provisions in our regulations. License conditions are
10 redundant with existing provisions in our regulations.

11 So, we are cleaning up, if you will, our regulatory
12 framework.

13 "Are there others maybe that we could add
14 in this rulemaking that are in some way related to
15 the rulemaking?" So, please give us your comments on
16 that.

17 Thank you.

18 Next slide, please.

19 MR. DOYLE: Okay. I have this one,
20 "Decommissioning Funding Assurance."

21 For this topic, we have two slides. So,
22 on this one, I'll provide a quick summary of the
23 changes.

24 The proposed rule modifies the biennial
25 Decommissioning Trust Fund reporting frequency for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 operating reactors in 10 CFR 50.75 to be consistent
2 with the three-year reporting frequency for
3 Independent Spent Fuel Storage Installations, or
4 ISFSIs. We're making two changes related to ISFSI
5 funding reports.

6 One is that it would allow licensees to
7 combine the reports required by the regulations listed
8 on the slide, 50.82(a)(8)(v), (8)(vii), and
9 10 CFR 72.30.

10 The other related change is that the
11 proposed rule would remove the requirement for NRC
12 approval of the report filed under 10 CFR 72.30(c).
13 The proposed rule would clarify that, when a licensee
14 identifies a shortfall in the report required by
15 10 CFR 50.75(f)(1), the licensee must obtain
16 additional financial assurance to cover the shortfall
17 and discuss that information in the next report.

18 And then, the final item to highlight the
19 proposed rule would make administrative changes to
20 ensure consistency with 10 CFR 50.4, "Written
21 Communications," regarding the submission of
22 notifications and to eliminate 10 CFR 50.75(f)(2)
23 because 10 CFR 50.75(f)(1) fully encompasses paragraph
24 (f)(2).

25 Next slide, please.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 This is the second slide on this topic.
2 We do have several specific Requests for Comment
3 related to this. I've just highlighted some of the
4 keywords here on the slide, and I'll briefly explain,
5 and then, we do have updated guidance.

6 So, related to financial assurance, "What
7 are the advantages and disadvantages of updating the
8 formula to reflect recent data and to cover all
9 estimated radiological decommissioning costs rather
10 than the bulk of the costs?"

11 The site-specific cost analysis. "What
12 are the advantages and disadvantages of requiring a
13 full site investigation and characterization at the
14 time of shutdown and of eliminating the formula and
15 requiring a site-specific cost estimate during
16 operations?"

17 Decommissioning Trust Fund. "Should the
18 NRC's regulations allow Decommissioning Trust Fund
19 assets to be used for spent fuel management if there
20 is a projected surplus in the fund, based on a
21 comparison to the expected costs identified in the
22 site-specific cost estimate, and the assets are
23 returned to the fund within an established period of
24 time? What are the advantages and disadvantages of
25 allowing Decommissioning Trust Fund assets to be used

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 for these purposes? What are the advantages and
2 disadvantages of allowing Decommissioning Trust Fund
3 assets to be used for non-radiological site
4 restoration prior to the completion of radiological
5 decommissioning?"

6 Timing of decommissioning funding
7 assurance reporting. "What are the advantages and
8 disadvantages of extending the reporting frequency
9 from two years to three years? Does this change
10 affect the risk of insufficient decommissioning
11 funding?"

12 And finally, identical requirements under
13 10 CFR 50.82 and 52.110. Besides proposing conforming
14 changes to 10 CFR Part 52, the NRC is asking whether
15 the NRC should maintain identical requirements in
16 10 CFR 52.110 and 10 CFR 50.82.

17 And the final point again, we are
18 proposing conforming changes to Reg Guide 1.159
19 related to this topic, and the title of that Reg Guide
20 is "Assuring the Availability of Funds for
21 Decommissioning Production or Utilization Facilities."

22 Next slide, please.

23 Offsite and onsite financial protection
24 requirements and indemnity agreements. These changes
25 related to this topic would provide regulatory

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 certainty by minimizing the need for licensees
2 decommissioning reactors to request regulatory
3 exemptions for relief from requirements that should
4 apply only to operating reactor licensees.

5 We do have two specific Requests for
6 Comment on this topic related to insurance. "What are
7 the advantages and disadvantages of requiring the
8 existing level of insurance to be maintained until all
9 spent fuel is in dry cask storage?" -- which would be
10 Level 3.

11 And insurance for specific license ISFSIs.

12 The NRC recognizes that, as a reactor site is
13 decommissioned, eventually, all that remains of the
14 10 CFR Part 50 or Part 52 license site would be a
15 general license ISFSI under 10 CFR Part 72, which is,
16 essentially, the same as a specific license ISFSI
17 under 10 CFR Part 72.

18 "Considering that 10 CFR Part 72 specific
19 license ISFSIs have no financial protection
20 requirements, should the NRC address the disparity
21 between specific license and general license ISFSIs as
22 part of this rulemaking? Please provide an
23 explanation for your response."

24 Next slide, please.

25 Okay, back to Howard.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. BENOWITZ: Yes, thanks.

2 This is foreign ownership, control, or
3 domination. And also, the proposed changes I'm going
4 to be discussing really go to the definition of a
5 production facility or utilization facility, which,
6 then, impacts our regulations on foreign ownership,
7 control, or domination.

8 So, the Atomic Energy Act and our
9 regulations provide definitions for a utilization
10 facility and a production facility. Additionally,
11 certain of the provisions of the Act and our
12 regulations apply only to a utilization facility or a
13 production facility. During decommissioning
14 activities, a utilization facility or production
15 facility will be dismantled -- so, the point at which
16 it no longer meets the definition of utilization
17 facility or production facility.

18 The proposed rule would add language to
19 establish the criteria for when exactly a utilization
20 facility or production facility is no longer a
21 utilization facility or production facility due to the
22 physical changes that the licensee makes to the
23 facility.

24 The proposed rule also adds language to
25 affirm that, despite this, the NRC continues to have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 statutory authority over the Part 50 or Part 52
2 licensee, and that the NRC regulations applicable to a
3 utilization or production facility will continue to
4 apply to the holder of that Part 50 or 52 license,
5 unless the regulations explicitly state otherwise.

6 The proposed rule also amends one of those
7 regulations, the foreign ownership, control, or
8 domination regulation. That regulation in Part 50,
9 50.38, it's a prohibition and we would amend that
10 prohibition on foreign ownership, control, or
11 domination to state that that prohibition no longer
12 applies once the Part 50 or 52 facility is no longer a
13 utilization facility or a production facility, such
14 that, during the dismantling process, if the licensee
15 takes certain actions to dismantle the facility, it no
16 longer meets the definition of utilization facility or
17 production facility. Then, that foreign ownership,
18 control, or domination prohibition would no longer
19 apply.

20 And what that means is that we would no
21 longer prohibit the transfer of that Part 50 or Part
22 52 license for a facility that's no longer a
23 utilization or production facility to a foreign-owned,
24 controlled, or dominated entity.

25 We're not asking any questions about that,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 but we would encourage you to comment on those
2 provisions you can see in the top right corner of the
3 slide. There are a number of provisions that we're
4 proposing to amend that would be affected by this.
5 So, please take a look at those and give us your
6 comments.

7 Thanks.

8 Next slide, please.

9 MR. DOYLE: Physical Security. The
10 proposed rule would allow certain changes to eliminate
11 licensee requests for approvals via exemptions,
12 amendments, and for certain adjustments to their
13 physical security programs.

14 Current security requirements do not
15 reflect the reduced risk for a decommissioning
16 facility after fuel is removed from the reactor
17 vessel. When the fuel is transferred into a spent
18 fuel pool, the amount of plant equipment that is
19 relied on for the safe operation of the facility is
20 significantly reduced, which allows for certain
21 security measures to be eliminated, because their
22 implementation is no longer needed or the security
23 measures can be adjusted for the physical protection
24 program during decommissioning.

25 Because certain security measures can be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 adjusted or are no longer necessary for
2 decommissioning, commonly-requested exemptions and
3 amendments have been submitted by licensees to address
4 this new posture. For example, the control room is
5 specifically identified in current security
6 requirements as an area that must be protected as a
7 vital area. The proposed rule would potentially
8 eliminate the need to identify the control room as a
9 vital area when all vital equipment is removed from
10 the control room, and when the area does not act as a
11 vital area boundary for other vital areas.

12 Also, current security regulations for a
13 power reactor licensee require the use of a Licensed
14 Senior Operator for the suspension of security
15 measures during emergencies. For permanently shut-
16 down and defueled reactors, Licensed Senior Operators
17 are no longer required. The proposed rule would allow
18 Certified Fuel Handlers to be used to suspend security
19 measures during emergencies at a decommissioned
20 facility.

21 Lastly, to eliminate the need for the
22 submission of license amendments and exemptions for
23 licensee transitions to ISFSIs, the NRC is proposing
24 that, once all spent nuclear fuel has been placed in
25 dry cask storage, licensees may elect to protect a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 general license ISFSI in accordance with the physical
2 security requirements that are consistent with
3 10 CFR Part 72 Subpart H and 10 CFR 73.51. Licensees
4 would continue to address the applicable security-
5 related orders associated with an ISFSI that are
6 conditions of the license.

7 Next slide, please.

8 Cyber Security. Consistent with the
9 graded approach, the proposed rule would continue to
10 apply cyber security requirements to decommissioning
11 plants until the risk to public health and safety is
12 significantly reduced.

13 Specifically, the cyber security
14 requirements would be applicable until the fuel is
15 permanently removed from the reactor vessel to the
16 spent fuel pool and there has been a sufficient decay,
17 such that there's a very low risk that the spent fuel
18 could heat up to clad ignition temperature within 10
19 hours, if the spent fuel pool were drained.

20 Under the proposed rule, power reactor
21 licensees under Part 50 and Part 52 would be subject
22 to the same requirement. For Part 50 power reactor
23 licensees, the proposed rule would remove the license
24 condition that requires the licensee to maintain its
25 cyber security plan. For Part 52 combined license

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 holders, the proposed rule would extend the
2 requirement to maintain a cyber security plan during
3 decommissioning, which would be a new requirement.

4 For currently operating or recently shut-
5 down 10 CFR Part 50 reactor licensees, because the
6 licensee's cyber security plan is included as a
7 license condition, this license condition to maintain
8 a cyber security program, per their cyber security
9 plans, remains in effect until the termination of the
10 license or the NRC removes the condition from the
11 license. For example, if the licensee submits a
12 license amendment request and the NRC approves it.

13 Therefore, the proposed rule would not
14 constitute backfitting because the proposed rule would
15 codify the already imposed requirements of the cyber
16 security plan license conditions during Level 1 of
17 decommissioning or until the spent fuel in the spent
18 fuel pool has sufficiently cooled.

19 This is not true for combined license
20 holders. The proposed revision would constitute new
21 requirements because the operational programs, such as
22 a security program that includes a cyber security
23 program, are requirements in the regulations and not
24 separately identified as license conditions, like
25 10 CFR Part 50 licensees.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Presently combined license holders are
2 required to maintain their cyber security program only
3 as long as 10 CFR 73.54 is applicable to them. So,
4 this means that combined license holders are not
5 required to maintain their cyber security programs
6 during decommissioning because a power reactor
7 licensee is not authorized to operate a nuclear power
8 reactor during decommissioning.

9 We do have a specific Request for Comment
10 on this topic. The proposed rule applies cyber
11 security requirements to Level 1 plants. However, a
12 licensee in Level 2 would not be required to maintain
13 a cyber security plan because the NRC has determined
14 that there is little chance that the spent fuel and
15 the spent fuel pool could heat up to clad ignition
16 temperature within 10 hours.

17 "What are the advantages and disadvantages
18 of extending cyber security requirements to shut-down
19 nuclear power plants until all spent fuel is
20 transferred to dry cask storage?"

21 The change to 10 CFR 73.54 is identified
22 in the proposed rule as a change affecting issue
23 finality for 10 CFR Part 52 combined license holders,
24 as defined in 10 CFR 52.98. Therefore, the proposed
25 rule includes a backfit analysis in Section IX.D.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Next slide, please.

2 Drug and Alcohol Testing. The proposed
3 rule would make several changes related to
4 requirements for drug and alcohol testing. There are
5 three items that I would like to highlight related to
6 this topic.

7 The first one, Part 26, which is related
8 to fitness for duty. The proposed rule would amend
9 10 CFR 26.3, Scope, to correct an inconsistency in the
10 applicability of Part 26 to Part 50 and 52 license
11 holders of nuclear power reactors. Part 26 does not
12 apply to a Part 50 license holder once the NRC docket
13 the licensee's 10 CFR 50.82(a)(1) certification that
14 the power reactor has permanently ceased operations,
15 which formally begins the decommissioning process.

16 However, Part 26 continues to apply to the
17 holder of a combined license issued under Part 52
18 throughout decommissioning. No technical basis exists
19 for this inconsistency. Section 10 CFR 26.3 would be
20 revised to specify that Part 26 also no longer applies
21 to a Part 52 license holder once the NRC docket the
22 licensee's 10 CFR 52.110(a) certification that the
23 power reactor has permanently ceased operations.

24 The second item to highlight here is
25 related to Part 26, the Criminal Penalties section.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 10 CFR 26.3 includes a substantive requirement for
2 certain entities to comply with requirements in
3 10 CFR Part 26 by a specific deadline. And violations
4 of this regulation should be subject to criminal
5 penalties.

6 The specific deadlines in 10 CFR 26.3(a)
7 were added in the 2008 Part 26 final rule, but
8 10 CFR 26.825(b) was not updated to reflect this
9 change, which was an oversight. Therefore, the
10 proposed rule would remove 10 CFR 26.3 from the list
11 of provisions that are not subject to criminal
12 penalties if violated in 10 CFR 26.825(b).

13 And the final item for this topic is
14 10 CFR Part 73, Insider Mitigation Program. Section
15 10 CFR 73.55(b)(9)(ii)(B) requires that a licensee's
16 insider mitigation program contain elements of a
17 fitness-for-duty program described in 10 CFR Part 26,
18 but does not identify which fitness-for-duty program
19 elements must be included in the insider mitigation
20 program. The proposed rule would establish the
21 required elements of a fitness-for-duty program in the
22 insider mitigation program for operating and
23 decommissioning reactors under 10 CFR Parts 50 and 52.

24 Next slide, please.

25 MR. BENOWITZ: We're now on slide 24, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 this concerns our license termination plan
2 requirements for power reactor licensees.

3 And our regulation is in 10 CFR 50.82 for
4 Part 50 licensees and 52.110 for Part 52 licensees.
5 We require those licensees to submit license
6 termination plans to the NRC for our approval before
7 they can actually terminate the licenses.

8 In the proposed rule, we would clarify
9 that those provisions do not apply before fuel has
10 been loaded into the reactor. This is consistent with
11 historical NRC practice. These license termination
12 provisions are written for reactors that have
13 commenced operation, and the NRC has historically
14 viewed operation as beginning with the loading of fuel
15 into the reactor. And this is discussed in the
16 proposed rule Federal Register notice.

17 The NRC is proposing this change because
18 there has been some confusion among some entities
19 about whether the provision in 10 CFR 52.110 was
20 applicable when some combined license holders sought
21 to terminate their licenses during the construction or
22 before construction even began of their facilities.
23 The NRC informed those licensees that Section 52.110
24 did not apply for the reasons that are documented in
25 the proposed rule FRN. Basically, if they hadn't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 loaded fuel, then they had not commenced operation.
2 Under the proposed rule, we could clarify that.

3 Next slide, please.

4 MR. DOYLE: This topic is spent fuel
5 management planning. The NRC staff identified
6 ambiguity in the spent fuel management and
7 decommissioning regulations due to a lack of cross-
8 referencing between 10 CFR Part 72 and Part 50. The
9 rulemaking clarifies the information for consistency.

10 Specifically, the regulation in 10 CFR
11 72.218 states that the 10 CFR 50.54(bb), Spent Fuel
12 Management Program, the Irradiated Fuel Management
13 Plan, or IFMP, must show how the spent fuel will be
14 managed before starting to decommission systems and
15 components needed for moving, unloading, and shipping
16 the spent fuel. Section 10 CFR 72.218 also requires
17 that an application for termination of a reactor
18 operating license submitted under 10 CFR 50.82 or
19 10 CFR 52.110 must also describe how the spent fuel
20 stored under the Part 72 general license will be
21 removed from the reactor site.

22 Although 10 CFR 72.218 states what
23 information must be included in these Part 50
24 documents, the corresponding regulations in Part 50 do
25 not contain this information. Therefore, the NRC

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 proposes to clarify and align the regulations in
2 10 CFR 50.54(bb), 10 CFR 50.82, 10 CFR 52.110, and
3 10 CFR 72.218 to ensure appropriate documentation of
4 spent fuel management plans and decommissioning plans.

5 So, the rule changes that we are
6 proposing. In 10 CFR 50.54(bb), the NRC proposes
7 moving the 10 CFR 72.218 provisions to 10
8 CFR 50.54(bb) to clarify that the IFMP must be
9 submitted and approved before the licensee starts to
10 decommission systems, structures, and components
11 needed for moving, unloading, and shipping the spent
12 fuel.

13 The NRC proposes to clarify the current
14 IFMP approval process in the 10 CFR 50.54(bb)
15 provisions regarding preliminary approval and final
16 NRC review of the IFMP as part of any proceeding for
17 continued licensing under Part 50 or Part 72, as these
18 proceedings no longer exist as they did when
19 10 CFR 50.54(bb) was first promulgated. The NRC
20 proposes to require submittal of the initial IFMP and
21 any subsequent changes to the IFMP as a license
22 amendment request.

23 10 CFR 72.218 changes. The NRC proposes
24 revising 10 CFR 72.218 to address requirements related
25 to decommissioning and termination of the Part 72

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 general license, as the current title of 72.218,
2 Termination of Licenses, suggests. Specifically, the
3 proposed 10 CFR 72.218 notes that the general license
4 ISFSI must be decommissioned consistent with the
5 requirements in 10 CFR 50.82 or 52.110, as the general
6 license ISFSI is part of the Part 50 or Part 52
7 licensed site. Also, the proposed 10 CFR 72.218 notes
8 that the general license is terminated upon
9 termination of the Part 50 or Part 52 license.

10 We do have a specific Request for Comment
11 on this topic. The proposed rule clarifies that the
12 current IFMP approval process -- I'm sorry -- the
13 proposed rule clarifies the current IFMP approval
14 process by requiring submittal of the initial IFMP and
15 any changes to the IFMP for NRC review and approval by
16 license amendment. We would like to know if
17 stakeholders see any challenges with implementing this
18 part of the proposed rule.

19 We're also considering including a change
20 control provision to specify what changes the licensee
21 can make to the IFMP without NRC approval. We would
22 like to know stakeholders' opinions on a change
23 control process, including the criteria for changes
24 licensees can make without NRC approval and any
25 associated recordkeeping or reporting for those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 changes.

2 We do have updated guidance corresponding
3 to the proposed rule changes.

4 For the IFMP, we added guidance to Draft
5 Guide 1347 in Section C.3, to outline the information
6 to be included in a licensee's IFMP.

7 For general license ISFSI decommissioning,
8 we added references to general license ISFSIs in both
9 Draft Guide 1347 and Draft Guide 1349, to make it
10 clear that the general license ISFSI must be
11 decommissioned consistent with the requirements in
12 10 CFR 50.82 and 10 CFR 52.110.

13 The NRC staff believes that these changes
14 will provide regulatory clarity and enhance overall
15 regulatory transparency and openness regarding
16 decommissioning and spent fuel management planning.

17 Next slide, please.

18 Low-Level Waste Transportation. When a
19 plant is actively being decommissioned, the plant
20 typically generates large volumes of bulk low-level
21 radioactive waste. To efficiently manage the
22 transportation of the waste to a licensed disposal
23 site, most licensees ship waste by rail. The
24 railroads control the schedule for the transportation
25 of the railcars to the destination, and the time to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 reach the disposal site destination is generally more
2 than the 20-day notification requirement currently in
3 the regulations.

4 The licensees will continue to monitor and
5 track the location and progress of their low-level
6 waste shipments, but notification to the NRC would no
7 longer be required unless the 45-day limit is
8 exceeded.

9 Next slide, please.

10 Certified Fuel Handler Definition and
11 Elimination of the Shift Technical Advisor.

12 Certified Fuel Handlers are non-licensed
13 operators who are commonly used at permanently
14 defueled nuclear facilities with irradiated fuel in
15 their spent fuel pools. The Certified Fuel Handler is
16 intended to be the on-shift representative who is
17 responsible for safe fuel handling activities and
18 always present on shift to ensure safety of the spent
19 fuel and any decommissioning-related activities at the
20 facility.

21 Currently, a Certified Fuel Handler is
22 qualified through a training program that must be
23 reviewed and approved by the NRC. The proposed rule
24 would modify the definition of a Certified Fuel
25 Handler and add a provision that removes the need for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 NRC approval of the training program, if the training
2 program for Certified Fuel Handlers is derived from a
3 systems approach to training and includes specific
4 topics which are outlined in the proposed rule
5 language.

6 Specifically, the training program must
7 address the safe conduct of decommissioning
8 activities, safe handling and storage of spent fuel,
9 and appropriate response to plant emergencies. The
10 proposed rule would also clarify that a Shift
11 Technical Advisor is not required for decommissioning
12 nuclear power reactors.

13 Next slide, please.

14 MR. BENOWITZ: Slide 28.

15 In this proposed rule, the NRC is
16 proposing to revise several of our regulations, as you
17 can see in the top right corner, to make them
18 consistent in how they treat holders of an operating
19 license under Part 50 and a holder of a combined
20 license under Part 52, when it comes to
21 decommissioning.

22 Some of our regulations only speak to one
23 set of decommissioning regulations, the Part 50;
24 usually, it's the Part 50 regulations in 10 CFR 50.82.

25 And the same regulation does not also point to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 decommissioning regulations in Part 52, which are in
2 Section 52.110.

3 So, we're proposing to align the
4 regulations so that they, where appropriate, refer to
5 both the Part 50 and 52 provisions for
6 decommissioning. That's a pretty straightforward one.

7 If you think that we missed one, please
8 let us know. We think we caught all of them, but
9 thanks.

10 Next slide, please.

11 MR. DOYLE: Record Retention Requirements.

12 This is the last of our topic slides.

13 As noted, when a plant is no longer
14 operating and is in decommissioning, most plant
15 components such as pumps and valves are no longer in
16 service and will eventually be removed as part of the
17 dismantlement activities. Therefore, there's no
18 longer a need to retain certain records associated
19 with these components, and the rulemaking eliminates
20 many recordkeeping retention requirements. This
21 proposed change would not impact the records that are
22 required to be maintained in support of
23 decommissioning and license termination activities.

24 The proposed rule also includes a specific
25 question concerning the recordkeeping requirements for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 facilities licensed under 10 CFR Part 52. One of this
2 rulemaking's few proposed changes to Part 52 would be
3 in 10 CFR 52.63 regarding the recordkeeping and
4 retention requirements for departures from the design
5 of a facility. However, these changes would not apply
6 to a combined license holder that references one of
7 the certified designs in the Part 52 appendices
8 because those appendices have their own recordkeeping
9 provisions. The NRC is asking if we should revise the
10 Part 52 appendices to conform those recordkeeping
11 requirements with those proposed in 10 CFR 52.63.

12 Next slide, please.

13 So, as I mentioned, Section V of the
14 proposed rule has specific Requests for Comments.
15 There are actually 18 headings listed under there. We
16 have them shown on the slide, and we've called them
17 out in the previous topic slides, if they relate to
18 those topics. There are just three that did not
19 relate to those topics. I'll just briefly mention
20 those here.

21 The first one is a timeframe for
22 decommissioning. The NRC is not proposing changes to
23 the decommissioning timeframe requirements, but we are
24 asking a question for stakeholder input. "What are
25 the advantages and disadvantages of requiring prompt

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 decommissioning" -- I'm sorry -- "requiring prompt
2 decontamination rather than allowing up to 60 years to
3 decommission a site? As part of its review of a
4 PSDAR, what are the advantages and disadvantages of
5 NRC evaluating and making a decision about the
6 timeframe for decommissioning on a site-specific
7 basis?"

8 Related to exemptions, as stated in the
9 proposed rule, one of the goals for amending these
10 regulations is to reduce the need for regulatory
11 exemptions. 10 CFR 50.12 states that the Commission
12 may grant exemptions from the requirements of the
13 regulations in 10 CFR Part 50 if the request will not
14 present an undue risk to public health and safety and
15 is consistent with the common defense and security.

16 "What are the advantages and disadvantages
17 of the current 10 CFR 50.12 approach to
18 decommissioning related exemptions? What standards
19 should the NRC apply in determining whether to grant
20 exemptions from the new or amended regulations? What
21 are the advantages and disadvantages of providing an
22 opportunity for the public to weigh in on such
23 exemption requests? Are there other process changes
24 the NRC should consider in determining whether to
25 grant exemptions from the new or amended regulations?"

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And the final one, applicability. There
2 is a discussion related to the applicability to NRC
3 licensees during operations and to ISFSI-only and
4 standalone ISFSI decommissioned reactor sites.
5 Permanently shut-down nuclear power plants will be at
6 different stages of the decommissioning process when
7 the new decommissioning regulations become effective
8 and will have previously received varying regulatory
9 exemptions.

10 "Can you foresee any implementation issues
11 with the proposed rule as it's currently written for
12 any new or amended requirement included in this
13 proposed rule? How should the requirement apply to
14 sites currently in different stages of
15 decommissioning?"

16 Next slide, please.

17 We do have a regulatory analysis that is
18 available for comment. As I mentioned earlier, this
19 is a document that the NRC often issues along with the
20 proposed rules to provide an analysis of the costs and
21 the benefits of the action.

22 So, in summary, in our regulatory
23 analysis, the conclusion is that the proposed rule
24 would be cost-beneficial with an estimated net averted
25 cost of approximately \$17.9 million at a 7 percent net

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 present value, or \$37 million at 3 percent net present
2 value, which is just referring to adjusting for the
3 time that the costs or benefits would occur and just
4 bringing it back to present day to compare apples to
5 apples. So, overall, this proposal would be cost-
6 beneficial.

7 And to highlight several of the areas
8 where there was the largest change, the emergency
9 preparedness alternative is estimated to result in a
10 net averted cost of approximately \$7.74 million. The
11 drug and alcohol testing alternative would be
12 approximately \$7 million, and decommissioning funding
13 assurance, \$1.18 million.

14 Next slide, please.

15 All right. Before we get to the Q&A, we
16 do have a few tips, for I'm sure many of the folks on
17 the meeting are well aware of reviewing and commenting
18 on proposed rules, but some of these tips may be
19 helpful, or for others who may not have as much
20 experience, hopefully, this is helpful.

21 So, Tip No. 1, please consider reviewing
22 the Commenters' Checklist. This is not an NRC
23 document, but it's on regulations.gov, which is a
24 website that the NRC and many other federal agencies
25 use to provide information about rulemaking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 activities.

2 So, the checklist includes some helpful
3 tips, as you are reviewing the documents and preparing
4 your comments, what types of information is most
5 helpful for federal agencies to communicate any
6 concerns you may have.

7 So, the checklist is available on the
8 Comment Submission Form, if you use that on
9 regulations.gov. There's a link to it right there.
10 There's also a printable format which is also
11 available.

12 Tip No. 2 -- next slide; slide 34 -- as I
13 mentioned earlier, we did issue an unofficial Redline
14 Rule language document. It shows how the proposed
15 rule would modify the current regulations, if the
16 proposed rule were issued as final. The ADAMS
17 Accession Number is shown there on the screen. And
18 this screenshot is kind of showing the red text of the
19 insertions and deletions. Hopefully, that's helpful.

20 Next slide, 35, slide 35.

21 We have a public website that we created
22 just for this rulemaking, intended to be a one-stop
23 shop for important information about this rulemaking.

24 You can access it by clicking that short link on the
25 screen there or scanning the QR code with your phone.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 If you have any trouble accessing that, feel free to
2 reach out to me and I'll help you locate it.

3 So, on the website, we do have links to
4 the proposed rule and related documents. There is a
5 direct link to the Comment Form. We do have
6 information about past and upcoming public meetings,
7 and there are additional background documents from
8 those earlier public outreach efforts that I
9 mentioned.

10 Next slide, please.

11 Slide 36 is just summarizing how to submit
12 a comment. So, you can go to regulations.gov.
13 There's a link to the Comment Form. You can send an
14 email to rulemaking.comments@nrc.gov or you can send
15 it through the regular mail to the address shown
16 there. So, all these instructions are in the proposed
17 rule, the Federal Register notice, and the address'
18 caption.

19 Please don't submit multiple methods. You
20 can just go ahead and submit one, and we will get it.

21 If you submit multiple methods, it creates
22 duplication.

23 And our preferred method, we encourage you
24 to use regulations.gov. Hopefully, that's easy for
25 you to use, and it's a little more efficient on our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 end. But you are welcome to use any of these methods.

2 Next slide, please. Slide 37.

3 Okay. So, we're almost done with the
4 staff presentation here.

5 Just to highlight some of the next steps
6 in the rulemaking process, again, the public comment
7 period ends on May 17th. So, that full day is part of
8 the comment period. So, it actually closes 11:59 p.m.
9 Eastern Time on May 17th, so right before ticking over
10 to May 18th.

11 So, after the comment period closes, the
12 NRC staff will review all the public comments and
13 address them as part of the final rule package, which
14 we, the staff, will submit to the Commission. That's
15 scheduled for October of 2023, and then, the estimated
16 publication date of the final rule is May 2024.

17 And next slide, please.

18 Okay. Thank you. So, that concludes the
19 staff presentation. I'll turn it back over to
20 Frances.

21 MS. RAMIREZ: All right. Before moving
22 into the public Q&A session, we'd like to take a quick
23 break. The time is now 7:10 local time. So, let's
24 take a 10-minute break and reconvene at 7:20.

25 Thanks.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 (Whereupon, at 7:10 p.m. CT, the foregoing
2 matter went off the record and went back on the record
3 at 7:29 p.m. CT.)

4 MS. RAMIREZ: All right. Let's go ahead
5 and transition to our public Q&A session now.

6 Please remember that our goal today is to
7 help you provide informed written comments. So, we
8 ask that your questions focus on any clarification you
9 or others may need in terms of the proposed
10 decommissioning rule and Draft Regulatory Guidance.

11 Our intent is not to discuss specific
12 details about any particular facility. So, we ask
13 that you keep your comments on the decommissioning
14 rule and related topics in general.

15 We will take questions here in the room
16 and from Teams or the phone. And then, Sarah Lopas,
17 our Teams facilitator, will help me with the questions
18 from Teams and the phone.

19 Remember, those of you on Teams can use
20 the "raise your hand" feature to signal that you have
21 a question. Those on the phone can use *5.

22 When you've been called on to ask a
23 question, if you're on Teams, you can use your unmute
24 button, and if you're on the phone, you use *6 to
25 unmute yourself.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 We'll take questions in order that we see
2 them, and we'll alternate between the room and Teams
3 and on the phone.

4 Let's go ahead and start. We, actually,
5 don't have any questions here in the room. So, Sarah,
6 I'll turn it over to you.

7 MS. LOPAS: I'm not seeing any hands
8 raised right now, but, just a tip, if you aren't
9 seeing your controls on Teams, just wiggle your mouse
10 around; maybe take it to the very bottom of your
11 screen. That should pop up the Teams controls, and
12 you'll be able to see the "raise hand" button, and
13 I'll be able to enable your microphone. And then, you
14 can unmute yourselves.

15 So, go ahead and do that, if you're on
16 your computer. And then, if you have called in and
17 you want to make a comment, just press *5 on your
18 phone, and that will show me that you've raised your
19 hand on the phone.

20 So, we'll just give it a minute; *5 or
21 raise your hand on your computer web Teams access.

22 (Pause.)

23 And if nobody has any questions, we will
24 give it some time.

25 (Pause.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Maybe I have a question, Dan, maybe while
2 we wait for other people to raise their hand.

3 How will other people be able to see
4 public comments? Will they kind of show up in
5 regulations.gov right away or does it take a while?
6 Or how does that work?

7 MR. DOYLE: Sure. That's a good question.

8 If you're interested in seeing what others
9 have commented, we have a direct link on our public
10 website, that one that I mentioned earlier, the one
11 that's dedicated to this rulemaking. There's a
12 heading that's something like, you know, read it in
13 the Federal Register or submit a formal comment.
14 There's a link to the Comment Form, and right below
15 that is another link that says, you know, "Read
16 comments that have been submitted." So, you can click
17 that and see other comments, once they're posted to
18 regulations.gov.

19 Right now, as of today, we have received
20 two comments, two submissions, and they are both
21 available on regulations.gov.

22 But the comment period ends on the 17th.
23 It's fairly common for many people to wait until the
24 end of the comment period. But, anyway, as soon as we
25 receive the comments and process them, we'll get them

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 posted as soon as possible. Anyone would be able to
2 see them by using that link. That would probably be
3 the easiest way.

4 That's a good question. Thank you.

5 MS. LOPAS: Yes.

6 All right, so *5 on the phone or use that
7 "raise hand" function if you are logged into Teams
8 audio on your computer.

9 (Pause.)

10 Okay. Dan, I'm not seeing any raised
11 hands or anything. So, I don't know if you want to
12 kind of put a timeframe out there for people for how
13 long we'll hang out waiting for any questions.

14 MR. DOYLE: Okay. I think what we're
15 doing to do is we're just going to stay on the line
16 here for, let's say, another 15 minutes, just in case
17 there was someone that saw the scheduled time, was
18 planning to join. So, we'll just stick on the line
19 here for another -- let's see, I've got -- what time
20 is it? 7:25. So, yes, so until 7:40.

21 So, we'll stick on the line. So, if you
22 have a question, feel free to chime in. We're here to
23 help. If there's something that you have a question
24 about the proposed rule, we have folks on the line to
25 try to get a response for you. If you'd like to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 "drive off," that's fine, too. But, yes, we'll stick
2 on the line here for like another 15 minutes, just in
3 case anything thinks of anything.

4 MS. LOPAS: All right. Very good. All
5 right. So, again, *5 if you've dialed in; *5 to raise
6 your hand, or "raise your hand" using the Teams
7 function.

8 And we will be here until about 8:40
9 waiting for those questions -- or sorry, I apologize,
10 not 8:40 -- 7:40 Central Time; 8:40 Eastern Time. I
11 apologize. I'm facilitating from Maryland over here.

12 (Pause.)

13 MR. DOYLE: Are we still unmuted? We're
14 still unmuted, right, Sarah?

15 MS. LOPAS: Yes, you are.

16 MR. DOYLE: Oh, okay. Great.

17 Sarah, mic check. You can hear me, right?

18 MS. LOPAS: Yes. Mic check is all good.

19 MR. DOYLE: Okay. Yes, as we said, we'll
20 stay on here for another few minutes.

21 But, just with the few dedicated that we
22 have on the line, I'll make one more plug for the
23 public meeting feedback form.

24 Could we just go to the next slide? And
25 we can come back and hang out.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 But I just wanted to show, on slide 39, we
2 do have this public meeting feedback form which is
3 asking for feedback on how we conduct our public
4 meetings. If there was any issue or suggestion that
5 you have for how we could make meetings like this more
6 effective in the future, we do take a look at that
7 feedback, and we encourage you to fill out the form.
8 It's just a few questions.

9 You can scan that and fill it out with
10 your phone. There's also a link to the feedback form
11 on the meeting details page.

12 And we did get just a few forms filled out
13 from the previous meetings, and I know because I
14 reviewed it.

15 Okay. So, that's really all of our slides
16 that we do have.

17 Did that jar any other questions from the
18 folks that we have on the line here?

19 (No response.)

20 Okay. So, I think, yes, we will go mute.

21 We'll, again, be online. We're not trying to rush
22 out the door here. Feel free to chime in. It's not
23 too late. You could still be the first one with a
24 question. But, yes, we'll go on mute here and just
25 wait.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Thank you.

2 (Pause.)

3 MS. RAMIREZ: Just remember to press *5 if
4 you're on the phone to raise your hand or use your
5 "raise your hand" feature if you're on Teams and have
6 a question.

7 (Pause.)

8 MS. LOPAS: Okay. I'm going to do another
9 reminder: *5 -- this is kind of your final closing
10 moments. We're approaching 8:40. *5 to make a
11 comment if you've called in using your phone, or go
12 ahead and try to find that "raise hand" icon and click
13 on that if you want to make a comment before we close
14 out.

15 (Pause.)

16 MS. RAMIREZ: All right. It looks like we
17 don't have any questions.

18 So, on behalf of the NRC, we would like to
19 thank everyone who attended or listened to our meeting
20 today.

21 Please take a moment to go online and fill
22 out a feedback form to help us make future public
23 meetings even better. There are feedback forms in the
24 meeting notice as well. Just follow the link provided
25 and submit a feedback form, which is Form No. 659.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thank you again, and be safe.

(Whereupon, at 7:40 p.m. CT, the meeting
was concluded.)