



# **POLICY ISSUE**

## **(Information)**

December 5, 2022

SECY-22-0107

FOR: The Commissioners

FROM: John W. Lubinski, Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: STATUS OF THE DECOMMISSIONING PROGRAM—2022 ANNUAL  
REPORT

PURPOSE:

To provide the U.S. Nuclear Regulatory Commission (NRC) staff's 2022 annual report on the status of the Decommissioning Program, key decommissioning accomplishments in fiscal year (FY) 2022 and expected activities for FY 2023. This paper does not address any new commitments or resource implications.

BACKGROUND:

Since 2008, and consistent with Staff Requirements Memorandum (SRM)-COMSECY-08-0036, "Staff Requirements—COMSECY-08-0036—Status of Decommissioning Program—2008 Annual Report," dated January 8, 2009 (Agencywide Documents Access and Management System Accession No. ML090080223), the staff has provided the Commission with an annual report on decommissioning.

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**Enclosure 2 transmitted herewith  
contains Official Use Only—Sensitive  
Internal Information. When separated  
from Enclosure 2, this transmittal  
document is decontrolled.**

The enclosed “Status of the Decommissioning Program: 2022 Annual Report” (enclosure 1) provides an overview of the NRC’s Decommissioning Program. The report summarizes the status of sites undergoing decommissioning, including the decommissioning of power reactors, research and test reactors, complex materials sites, uranium recovery facilities, and fuel cycle facilities. The report also describes key decommissioning accomplishments in FY 2022 and describes expected activities for FY 2023.

In addition, since 2002, the NRC staff has provided an annual update to the Commission about the status of sites with inadequate financial assurance, as discussed in SECY-02-0079, “Financial Analysis and Recommendations to Facilitate Remediation of Decommissioning Sites in Non-Agreement States” dated May 13, 2002 (ML020950118) and approved by the Commission in the associated SRM dated October 21, 2002 (ML022940653). In FY 2017, the NRC staff began providing this information to the Commission as an enclosure to this report, as discussed in SECY-16-0126, “2016 Annual Update: Progress and Future Plans for Decommissioning Sites with Inadequate Financial Assurance” dated November 2, 2016 (ML16257A529). Enclosure 2 of this paper provides the staff’s annual update on the status of sites with inadequate financial assurance.

## DISCUSSION:

### Status Update for Fiscal Year 2022

As of September 30, 2022, the NRC is overseeing the decommissioning of 26 nuclear power and early demonstration reactors, 2 research and test reactors, 8 complex materials facilities,<sup>1</sup> 5 uranium recovery facilities, and part of 1 fuel cycle facility.

Of the 26 power and early demonstration reactors in decommissioning, 9 have elected the SAFSTOR (long-term storage) option and 17 have elected the DECON (active decommissioning) option. The inventory of decommissioning power reactor sites remained at 26, with the termination of the license for the Humboldt Bay Power Plant Facility and the Palisades Nuclear Plant permanently ceasing power operations.

The licensee for two additional reactors that had previously announced the intent to shut down by 2025: Diablo Canyon Power Plant, Units 1 and 2 (2024 and 2025 respectively) requested the NRC staff resume its review of a license renewal application for continued operation by letter dated October 31, 2022 (ML22304A691).

In addition, 19 of the 22 Uranium Mill Tailings Radiation Control Act of 1978, as amended (UMTRCA), Title I<sup>2</sup> legacy uranium recovery sites and 6 UMTRCA Title II sites are regulated under general license held by the U.S. Department of Energy (DOE). Three of the Title I sites that are currently undergoing remediation by the DOE are not regulated under a general license because they are not disposal sites but have been designated as Title I sites by Congress.

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<sup>1</sup> Complex materials sites are defined as sites where the complexity of the decommissioning process will require more than minimal technical and administrative support.

<sup>2</sup> “Title I” in this report refers to facilities under UMTRCA that were inactive, unregulated processing and disposal sites when the act was passed, while “Title II” refers to facilities that were licensed by the NRC or an Agreement State in 1978 or after UMTRCA was enacted.

NRC terminated the licenses for General Atomics (GA) Training, Research, Isotopes General Atomics (TRIGA) Mark I and TRIGA Mark F reactor units located at GA's TRIGA Reactor facility in San Diego, California, and the Sigma Aldrich Fort Mims Site in Maryland Heights, Missouri.

In April 2022, the NRC staff briefed the Commission on progress and work completed for the Ten-Year Plan to Address Contamination on Navajo Nation at a Commission Brief held in Gallup, New Mexico.

In September 2020, the NRC issued the SER for the LAR for the United Nuclear Corporation (UNC) Church Rock, New Mexico site to construct a disposal cell for mine spoils atop the existing mill tailings cell. In October 2020, the NRC issued the draft EIS for public comment for the UNC Church Rock LAR. At the request of stakeholders, the comment period was extended several times, closing on November 1, 2021. During the extended comment period, the NRC staff engaged in innovative approaches on outreach with the Navajo Nation, which has included, but was not limited to, virtual meetings with the public and specific Navajo communities, newspaper articles, and radio broadcasts in English and Navajo. NRC senior managers also met with Navajo President Nez to discuss the draft EIS and additional ideas to effectively communicate with the Navajo Nation during the comment period. The staff expects to make its decision on the LAR in FY 2023, including issuance of a revised SER and the Final EIS.

#### Activities in Fiscal Year 2023 and Beyond

The staff will continue to work toward license termination for licensees who informed NRC that they have completed physical decommissioning, such as Zion Units 1 and 2 and La Crosse. The staff also will continue or start the review of the license termination plans for Crystal River Nuclear Generating Plant, Unit 3; Vermont Yankee Nuclear Power Station; Nuclear Ship Savannah; General Electric Hitachi Vallecitos Boiling Water Reactor; Pilgrim Nuclear Power Station; and Fort Calhoun.

The NRC staff intends to continue to make progress in the decommissioning of complex materials sites. The staff is working with the U.S. Environmental Protection Agency to determine whether the Fansteel site could be eligible for cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), focusing on potential CERCLA removal actions to partially clean up the highest risk areas at the site. The staff will also continue its review of the new work plans for the Shallow Land Disposal Area of BWXT's site in Vandergrift, Pennsylvania.

The NRC staff will continue implementing the memorandum of understanding (MOU) with the U.S. Department of Defense for military radium by prioritizing activities based on available resources. Factors for consideration in prioritizing annual monitoring activities include (1) the involvement of other regulatory agencies, (2) the use of engineered controls or land use controls as remedies, (3) contamination in buildings for reuse, (4) the amount or type of material and how transportable it is, and (5) previous monitoring activities.

The NRC staff plans to continue its efforts on nonmilitary radium by working with site owners on risk-informed approaches for site cleanup. Additionally, the NRC staff will continue to implement the MOU with the U.S. National Park Service as remediation activities progress at national parks.

The NRC staff will continue to participate in activities associated with the Navajo Nation 10-year plan. Additionally, the staff will review DOE reports and plans for the reclamation and management of these sites.

The staff will continue its review of the UNC Church Rock (New Mexico) license amendment request consistent with Commission direction, and the reviews of the ground water corrective action plans for the Gunnison and Rifle sites in Colorado and the Green River site in Utah. The staff will continue to work with the DOE to resolve issues associated with the Bluewater site, also in New Mexico, and will work with the State of Wyoming to explore and implement options for decommissioning the American Nuclear Corporation site in Wyoming. The staff will also work with the DOE to complete the remaining land transfer process prior to license termination for the Western Nuclear Inc. (Wyoming) and Durita (Colorado) sites and with the Texas Commission on Environmental Quality to complete the review of the Completion Review Report for the Panna Maria site.

#### CONCLUSION:

In FY 2022, the NRC staff continued to oversee safe decommissioning at several sites. The NRC public website has status summaries for the facilities managed in the Decommissioning Program (<https://www.nrc.gov/waste/decommissioning.html>). These summaries, which are updated annually and when significant changes in status occur, describe the status of each site and identify the major technical and regulatory issues affecting the completion of decommissioning.

#### COORDINATION:

The Office of the General Counsel has reviewed this paper and has no legal objections.



Signed by Lubinski, John  
on 12/05/22

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#### Enclosures:

1. Status of the Decommissioning Program:  
2022 Annual Report
2. 2022 Annual Update of Decommissioning  
Sites with Financial Assurance Issues (nonpublic)

SUBJECT: STATUS OF THE DECOMMISSIONING PROGRAM – 2022 ANNUAL REPORT

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