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10 CFR 50.82(a)(3)

CCN-23-82

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U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
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Peach Bottom Atomic Power Station, Unit 1
Facility Operating License No. DPR-12
NRC Docket No. 50-171

Subject: Request for Alternative Schedule to Complete Decommissioning Beyond 60 Years of Permanent Cessation of Operations

Constellation Energy Generation, LLC (CEG) requests an alternative from the decommissioning schedule requirements in 10 CFR 50.82(a)(3) to allow the completion of decommissioning for Peach Bottom Atomic Power Station, Unit 1, (PBAPS, Unit 1) beyond 60 years of permanent cessation of operations. This request is to allow CEG to complete the decommissioning of PBAPS, Unit 1, in conjunction with the decommissioning of PBAPS, Units 2 and 3. The request is consistent with the U.S. Nuclear Regulatory Commission's (NRC) requirements for seeking such an alternative when operating units are co-located with a shutdown unit and will continue to assure the public health and safety for all three units.

Paragraph (a)(3) of 10 CFR 50.82, "Termination of license," states the following:

> Decommissioning will be completed within 60 years of permanent cessation of operations. Completion of decommissioning beyond 60 years will be approved by the Commission only when necessary to protect public health and safety. Factors that will be considered by the Commission in evaluating an alternative that provides for completion of decommissioning beyond 60 years of permanent cessation of operations include unavailability of waste disposal capacity and other site-specific factors affecting the licensee's capability to carry out decommissioning, including presence of other nuclear facilities at the site.

This request to decommission PBAPS, Unit 1, beyond 60 years from permanent cessation of operation as an alternative meets the evaluation factors in 10 CFR 50.82(a)(3) due to the potential impact on public health and safety with other nuclear facilities present at the site. As the Commission itself has stated, “the 60-year period was never intended to be an absolute limit, and the rule language has never stated it as an absolute limit.” There are site-specific factors, with PBAPS, Units 2 and 3 in operation, that necessitate decommissioning of PBAPS, Unit 1, beyond 60 years of permanent cessation of operations to best protect public health and safety.

The purpose of 10 CFR 50.82(a)(3) is to ensure the timely decommissioning of a power reactor site. The provision of 10 CFR 50.82(a)(3) that allows for decommissioning beyond 60 years dates back to the original 1988 regulation. Based on the regulatory history, it is clear that an alternative to the 60-year timeframe for decommissioning was established to anticipate fact-specific circumstances where a multi-unit site with a shutdown reactor that approached the 60-year mark may require relief from the standard decommissioning schedule given the safety and other considerations associated with the units that continued to operate. Supplemental information on the regulatory basis which supports granting this request is contained in Attachment 2.

PBAPS, Unit 1, permanently ceased operations on October 31, 1974, and is presently in SAFSTOR. Decommissioning activities that resulted in the present facility status were completed by February 1978. The previous decommissioning activities entailed removal of all plant-generated radioactive material outside of an Exclusion Area. The Exclusion Area includes the Unit 1 containment building, fuel storage pool, and liquid waste system basement. All PBAPS, Unit 1, spent fuel was removed from the site and shipped to a Department of Energy (DOE) facility in Idaho. PBAPS, Unit 1, has been monitored and controlled in SAFSTOR in accordance with the Facility Operating [Possession Only] License, Technical Specifications as amended, and Decommissioning Plan.

PBAPS, Unit 1, decommissioning activities are currently required to be completed by October 31, 2034. However, PBAPS, Units 2 and 3, are located on the same site as PBAPS, Unit 1, and were previously authorized to operate until August 2053 and July 2054, respectively, upon issuance of the Subsequent Renewed Facility Operating Licenses (SRFOL) issued on March 5, 2020.

The NRC published a final plant-specific supplement, Supplement 10, Second Renewal, to the Generic Environmental Impact Statement (GEIS) in 2020 as part of its environmental review of Peach Bottom, Units 2 and 3, subsequent license renewal application (NUREG-1437 Supplement 10 Second Renewal, NRC 2020). As a result of external legal challenges to the NRC's review, the Commission subsequently issued Order CLI-22-04 on February 24, 2022, to address its concerns with the National Environmental Policy Act (NEPA) analysis. In CLI-22-04, the Commission held that the License Renewal GEIS (which the NRC previously found to be applicable to subsequent license renewal) did not apply to subsequent license renewal. Therefore, the Commission's Order directed the NRC staff to modify the expiration dates for the SRFOLs for PBAPS, Units 2 and 3. As a result, on March 25, 2022, the NRC staff reverted the expiration dates to reflect the end dates associated with the issuance of the Renewed Facility Operating Licenses (RFOLs) of August 8, 2033, and July 2, 2034, respectively, issued on May 7, 2003. The NRC has undertaken an effort to revise its regulations and the license renewal GEIS to address the Commission's concerns by 2024 and CEG expects that the generic environmental impact discrepancies are expected to be appropriately resolved and the Peach Bottom, Units 2 and 3, expiration dates will be restored well in advance of the beginning of SRFOL period. Therefore, restoring the SRFOLs expiration dates of August 2053 and July 2054 for PBAPS, Units 2 and 3, respectively, will result in Unit 2 and Unit 3 operating past the PBAPS, Unit 1, decommissioning period currently required by 10 CFR 50.82(a)(3).

CEG has evaluated strategies and the activities for radiological decommissioning of PBAPS, Unit 1, to support license termination in accordance with 10 CFR 50.82. The impacts associated with final decommissioning activities for PBAPS, Unit 1, while PBAPS, Units 2 and 3, are operating are described in Attachment 1 and will result in an increased risk to public health and safety, as compared to the alternate schedule. Therefore, an alternative schedule to complete decommissioning of PBAPS, Unit 1, is necessary to best protect public health and safety.

The NRC assessed the environmental impacts from decommissioning in the GEIS on Decommissioning of Nuclear Facilities, NUREG-0586, Supplement 1 (NRC 2002). The GEIS concludes that environmental impacts are SMALL or require site specific analysis. Section 6.1, of the GEIS also concludes that for plants listed in Table 7-1 no issue or activity must be re-evaluated for PBAPS, Unit 1, provided that the licensee does not change the decommissioning option previously chosen. This request does not change the decommissioning option, as the intent is for PBAPS, Unit 1, to remain in SAFSTOR until final decommissioning is conducted in conjunction with PBAPS, Units 2 and 3.

Also relevant is NUREG-0586, Supplement 1, includes an analysis of a “no action” alternative to decommissioning in which the NRC discusses a scenario in which the licensee does not complete decommissioning. Because, as the NRC discussed, “[t]he licensee will be required to comply with the necessary requirements for the operating license… the environmental impacts for maintaining the nuclear reactor facility will be considered to be in the bounds of the appropriate, previously issued Environmental Impact Statements.”

To ensure that the alternate decommissioning schedule remains bounded by the evaluations performed for NUREG-0586, Supplement 1, the activities and issues considered for the Storage (SAFSTOR) phase in Appendix E were reviewed. This phase includes the following activities: monitoring systems and radiation levels, performing preventive and corrective maintenance, maintaining the security system, and maintaining effluent and environmental monitoring programs. The existing controls for PBAPS, Unit 1, (e.g., Facility Operating License [Possession-Only], Technical Specifications, Defueled Safety Analysis Report, Post-Shutdown Decommissioning Activities Report, etc.) will remain in effect during the extended SAFSTOR period to maintain compliance with the applicable regulations and address the activities from NUREG-0586, Supplement 1, Appendix E. PBAPS, Unit 1, will continue to be subject to periodic inspections (including annual NRC inspections) and monitoring during the extended SAFSTOR period. PBAPS, Unit 1, would then be decommissioned in conjunction with the demolition and dismantling of PBAPS, Units 2 and 3. The continuation of the activities described above ensure that the conclusions presented in NUREG-0586, Supplement 1, are unaffected by an extended SAFSTOR period. Additional site-specific environmental impact analysis will be performed for PBAPS, Unit 1, upon commencement of decommissioning activities, as required.

As mentioned, the NRC performed a supplemental environmental impact statement in 2020 as part of its environmental review of the Exelon Generation Company, LLC (Exelon) subsequent license renewal application, to renew the operating licenses for PBAPS, Units 2 and 3 for an additional 20 years (NUREG-1437 Supplement 10 Second Renewal, NRC 2020). This final supplemental GEIS includes the NRC staff’s evaluation of the environmental impacts of the subsequent license renewal as well as alternatives to subsequent license renewal. This evaluation considered the presence of PBAPS, Unit 1, in its review for topics such as External

Appearance, Visual Resources, and Historic and Cultural Resources. The lack of environmental or resource changes at site or PBAPS, Unit 1, conditions since the supplemental GEIS in 2020 support the conclusion that the existing supplemental GEIS remains bounding for the PBAPS, Unit 1, alternate decommissioning schedule.

Decommissioning Funding Assurance for PBAPS, Unit 1, is provided by the external sinking fund method, coupled with an external trust fund and future ratepayer collections, in accordance with 10 CFR 50.75(e)(1)(ii). Should the alternate decommissioning schedule request be approved, an updated site-specific cost estimate with the updated timeframe would be provided with the next annual decommissioning funding report for PBAPS, Unit 1, in accordance with 10 CFR 50.75(f). The alternate schedule would provide additional time for the trust fund to grow before major decommissioning activities commenced, resulting in improved funding status, which is in the best interest of public health and safety.

As explained in CEG's Annual Report on Status of Decommissioning Funding for Reactors and Independent Spent Fuel Storage Installations (March 23, 2023), the funding mechanism currently being used as the source of revenues for the external sinking funds is a non-bypassable charge approved by the Pennsylvania Public Utilities Commission (PaPUC) authorizing PECO Energy Company to continue to collect decommissioning funds for CEG. Adjustments to the amount collected were made in the filing of the Nuclear Decommissioning Cost Adjustment (NDCA) to the PaPUC on March 31, 2022, and was effective as of January 1, 2023. This adjustment is made every five years pursuant to PaPUC Electric Tariff No. 4 and the next future rate adjustment will be effective January 1, 2028, and will be based on the site-specific cost estimate in effect at that time. This process is unchanged by this alternate decommissioning schedule request.

Additionally, funding plans associated with spent fuel management and storage per 10 CFR 50.82(a)(8)(vii) and 10 CFR 72.30(b) no longer apply because all spent nuclear fuel has been removed from PBAPS, Unit 1 and shipped offsite.

Activities associated with concurrent decommissioning of PBAPS, Units 1, 2, and 3 have been evaluated and considered to have no adverse impact on available waste disposal capacity due to the additional radiological decay and associated classifications of waste generated during decommissioning activities after extended SAFSTOR for PBAPS, Unit 1.

Additionally, given the age of PBAPS, Unit 1 (older than 50 years), design, development, and operation, as well as the consortium of utilities involved, it is potentially eligible for listing in the National Register of Historic Places under Criterion a (association with significant events in history) or Criterion c (embodiment of distinctive characteristics of type, period, or construction) (Section 4.9.1.3 of NUREG-1437 Supplement 10 Second Renewal). CEG will review potential impacts of decommissioning resources as part of the post-shutdown activities report preparation and submission to the NRC. Before commencing decommissioning activities that would dismantle potentially significant historic resources at the site, such as PBAPS, Unit 1, CEG will take steps in accordance with company procedures and applicable laws to ensure that it conducts consultations with the Pennsylvania State Historic Preservation Office, that it considers historic significance, and that it addresses decommissioning effects.

For these site-specific reasons, NRC approval is requested to decommission and restore the PBAPS site for all three units concurrently in the interest of protecting public health and safety. The requested alternative schedule for PBAPS, Unit 1, to that required by 10 CFR 50.82(a)(3) would coincide with the 10 CFR 50.82(a)(3) schedule for PBAPS, Units 2 and 3, whichever is the first to transition to permanent cessation of operations.

CEG requests approval of this request by October 20, 2024.

This letter contains no new regulatory commitments.

If you have any questions concerning this submittal, please contact Richard Gropp at Richard.Gropp@constellation.com.

Respectfully,

David P. Helker
Sr. Manager, Licensing
Constellation Energy Generation, LLC

Attachment 1: Supplemental Information for Decommissioning Impact on Public Health and Safety, Peach Bottom Atomic Power Station, Unit 1

Attachment 2: Supplemental Information Regarding Regulatory Basis for Requesting Alternative Timeframes for Decommissioning Peach Bottom Atomic Power Station, Unit 1

cc: w/ Attachments

Regional Administrator - NRC Region I
NRC Senior Resident Inspector – Peach Bottom Atomic Power Station, Units 2 and 3
NRC Decommissioning Project Manager, NMSS/DUWP/RDB – Peach Bottom Atomic Power Station, Unit 1
Director, Bureau of Radiation Protection - PA Department of Environmental Protection

Attachment 1

Supplemental Information for Decommissioning Impact on Public Health and Safety
Peach Bottom Atomic Power Station, Unit 1

Attachment 1

Supplemental Information for Decommissioning Impact on Public Health and Safety
Peach Bottom Atomic Power Station, Unit 1

Peach Bottom Atomic Power Station, Unit 1 (PBAPS, Unit 1), is located at the PBAPS facility and is approximately 700 feet and 1,000 feet downstream from PBAPS, Units 2 and 3, respectively. PBAPS, Unit 1, is within the PBAPS Owner Controlled Area (OCA) as the Physical Security Plan is inclusive of all three units and the adjacent Independent Spent Fuel Storage Installation (ISFSI) due to physical configuration of the multi-unit site. Refer to Figure 1-1.

PBAPS, Unit 1, facilities have been integrated into the support infrastructure and are actively utilized by PBAPS, Units 2 and 3. The majority of the PBAPS, Unit 1, facilities outside of containment have been modified under 10 CFR 50.59 and strategically repurposed to directly support regulatory requirements associated with the station Emergency Plan and training for Operations, including the control room simulator, and Maintenance.

The former PBAPS, Unit 1, Main Control Room houses emergency response facilities, including the Technical Support Center (TSC), which is required by the PBAPS, Units 2 and 3, radiological Emergency Plan. The TSC ventilation power and controls, as well as emergency communication system structures, systems, and components (SSCs) and supporting controls, are housed in facilities adjacent to the Unit 1 containment building. Extensive demolition and dismantling activities associated with decontamination of the PBAPS, Unit 1, facility prior to the cessation of operations for PBAPS, Units 2 and 3, would be extremely disruptive to the regulatory-required support functions, thereby resulting in an increased risk to public health and safety.

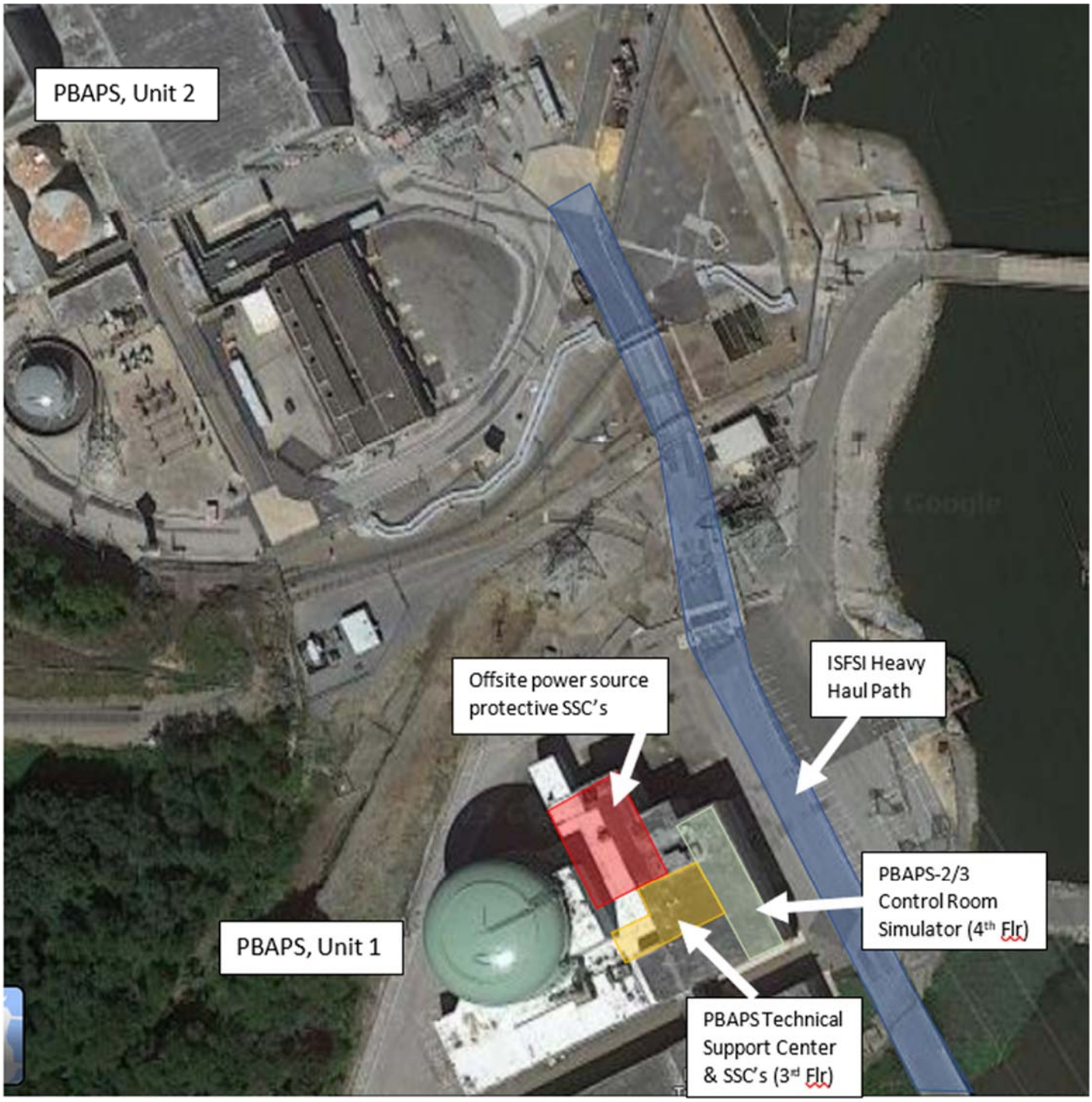
Additionally, PBAPS, Unit 1, facilities house North American Electric Reliability Corporation (NERC) required protective relay scheme SSCs for one of the credited offsite power sources necessary for PBAPS, Units 2 and 3. The affected 220-08 line (2SU) offsite power source is credited for PBAPS, Units 2 and 3, Technical Specifications (TS) 3.8.1 and 3.8.2 during power operations and shutdown conditions, respectively. Challenging an offsite power source for PBAPS, Units 2 and 3, while either unit is operating increases the risk to public health and safety. Abandoning or modifying the SSCs associated with the offsite power source protective relaying scheme after PBAPS, Units 2 and 3, have permanently ceased power operations significantly serves to best protect public health and safety.

Adjacent to PBAPS, Unit 1, is the Heavy Haul Path for PBAPS, Units 2 and 3, which is the qualified dry cask transport route from the Reactor Building to the ISFSI per the 10 CFR 72.212 Evaluation Report. Limitations on available physical space due to configuration of the site and functional facilities adjacent to PBAPS, Unit 1, increase the risk of performing decommissioning activities. The facilities in the vicinity of PBAPS, Unit 1, support operation of PBAPS, Units 2 and 3, and therefore there will not be limitations following cessation of operations of the adjacent units on site. Additionally, demolition and dismantling activities for PBAPS, Unit 1, could inadvertently damage the Heavy Haul Path. Damage to the Heavy Haul Path could disrupt

necessary spent fuel movements to the ISFSI to maintain spent fuel storage capabilities as required per Peach Bottom, Units 2 and 3, TS 4.3.3.

Minimizing the duration of the intensive demolition and dismantling activities at the PBAPS site serves to best protect the health and safety of the public. The cumulative duration for an integrated PBAPS sitewide decommissioning project would be less than the cumulative duration of demolition and dismantling activities if PBAPS, Unit 1, was decommissioned first and then PBAPS, Units 2 and 3, were decommissioned subsequently. The potential exposure to workers that would decommission PBAPS, Unit 1, is primarily due to Cobalt-60 and Cesium-137 contained within the reactor vessel and reactor coolant system, as these are the dominant gamma emitting radionuclides. Given the 5.2-year half-life of Cobalt-60 and 30-year half-life of Cesium-137, the radioactive decay associated with an alternate decommissioning schedule will further reduce the cumulative dose to workers during the final demolition and dismantling activities at PBAPS, Unit 1, and to the public during transportation to disposal facilities. As such, the reduction in dose associated with decommissioning PBAPS, Unit 1, with an alternate schedule serves to best protect the health and safety of the public.

Figure 1-1


PBAPS, Unit 2
Offsite power source protective SSC's
ISFSI Heavy Haul Path
PBAPS-2/3 Control Room Simulator (4th Flr)
PBAPS, Unit 1
PBAPS Technical Support Center & SSC's (3rd Flr)

Attachment 2

Supplemental Information Regarding Regulatory Basis for Requesting Alternative Timeframes for Decommissioning

Peach Bottom Atomic Power Station, Unit 1

Attachment 2

Supplemental Information Regarding Regulatory Basis for Requesting Alternative Timeframes for Decommissioning
Peach Bottom Atomic Power Station, Unit 1

10 CFR 50.82(a)(3) states:

> Decommissioning will be completed within 60 years of permanent cessation of operations. Completion of decommissioning beyond 60 years will be approved by the Commission only when necessary to protect public health and safety. Factors that will be considered by the Commission in evaluating an alternative that provides for completion of decommissioning beyond 60 years of permanent cessation of operations include unavailability of waste disposal capacity and other site-specific factors affecting the licensee's capability to carry out decommissioning, including presence of other nuclear facilities at the site.

The provision of 10 CFR 50.82(a)(3) that allows for decommissioning beyond 60 years dates back to the original 1988 regulation. Based on the regulatory history, it is clear that an alternative to the 60-year timeframe for decommissioning was expressly established in anticipation of fact-specific circumstances where a multi-unit site with a shutdown reactor that approached the 60-year mark would require relief from completing decommissioning given the safety and other considerations associated with the operating units. The proposed rule, which was issued for comment in 1985, did *not* include a backstop of 60 years for decommissioning.[1] The Commission added the 60-year backstop into the Final Rule in response to public comments, along with the "factors" that it would consider when determining whether exceeding the 60 years would be "necessary to protect public health and safety."[2]

The Statements of Consideration for the Final Rule make clear that the "presence of other nuclear facilities at the site" specifically refers to an operating reactor. The Commission explained that "[t]he case-by-case considerations, such as … *presence of an adjacent reactor* whose safety might be affected by dismantlement procedures, or other similar site specific considerations, mean that the appropriate delay for a specific facility must be based on factors unique to that facility and could result in extension of completion of decommissioning beyond 60 years."[3]

This view is further emphasized in subsequent Commission decisions on decommissioning. In a 2011 denial of a Petition for Rulemaking, the Commission stated that "the 60-year period was never intended to be an absolute limit, and the rule language has never stated it as an absolute limit."[4] Citing the 1988 Final Rule, the NRC highlighted the Commission's statements that "[t]he case-by-case considerations, such as shortage of radioactive waste disposal space offsite or *presence of an adjacent reactor whose safety might be affected by dismantlement procedures*,

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[1] Proposed Rule, Decommissioning Criteria for Nuclear Facilities, 50 Fed. Reg. 5600 (1985).

[2] *See* Final Rule, General Requirements for Decommissioning Nuclear Facilities, 53 Fed. Reg. 24018, 24021 (Jun. 27, 1988).

[3] *See* Final Rule at 24023 (emphasis added).

[4] Denial of Petition for Rulemaking Submitted by Sherwood Martinelli, 76 Fed. Reg. 76322, 76325 (Dec. 7, 2011).

or other similar site-specific considerations, mean that the appropriate delay for a specific facility must be based on factors unique to that facility and could result in extension of completion of decommissioning beyond 60 years."[5]

The Commission went on to more specifically note that:

> "…it is possible that the completion of decommissioning a facility in SAFSTOR could be delayed past the 60-year mark *if the facility is used for activities related to an operating unit on the site. The need to use equipment shared by a shutdown unit and an operating unit could prevent completing the decommissioning of the shutdown unit until the operating unit was permanently shut down*. However, the discussion of SAFSTOR in the Statement of Considerations demonstrated that the NRC's regulations allow the licensee to exceed the 60-year limit in cases where a shutdown unit is located on the same site as an operating unit, subject to NRC approval. *In a case where the SAFSTOR facility shares equipment with an operating unit, the NRC would consider the risk of conducting decommissioning activities near an operating unit*. That type of evaluation would necessarily depend on site-specific factors that are not well suited to codification in a rule."[6]

In sum, while 10 CFR 50.82(a)(3) only permits extensions beyond 60 years when the NRC determines that it is "necessary to protect public health and safety," the Commission has specifically identified the existence of operating units on the site of the decommissioning unit in conjunction with applicable site-specific factors as a public health and safety issue warranting such an extension.

While the Commission recently disapproved a proposal to delay the completion of decommissioning for the GE Hitachi (GEH) Vallecitos facility, the facts and circumstances of that case and the basis for the Commission's decision are clearly distinguishable from PBAPS, Unit 1. First, the physical layout of the reactors at the GEH-Vallecitos site is very different from the Peach Bottom site. The GEH-Vallecitos site includes four reactors: two shutdown power reactors (the Vallecitos Boiling Water Reactor (VBWR) and the Empire State Atomic Development Associates Vallecitos Experimental Superheat Reactor (EVESR)), one shutdown nonpower reactor (the General Electric Test Reactor (GETR)), and one operating nonpower reactor (the Nuclear Test Reactor (NTR)). GEH requested an "alternate decommissioning schedule" for the three shutdown reactors "to be consistent with the ultimate shutdown of the NTR facility.[7]" Of note, and unlike PBAPS, Unit 1, none of the GEH-Vallecitos shutdown reactors are physically located near the operating NTR reactor. Additionally, the Commission and NRC staff identified site-specific safety concerns with not completing the decommissioning of the shutdown GEH-Vallecitos units that do not exist for PBAPS, Unit 1.[8] In its recommendation to the Commission, the staff noted that:

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[5] Denial of Petition for Rulemaking Submitted by Sherwood Martinelli at 76325 (emphasis added).

[6] Denial of Petition for Rulemaking Submitted by Sherwood Martinelli at 76326 (emphasis added).

[7] GEH Vallecitos Nuclear Center (VNC) Request for Alternate Decommissioning Schedules for DPR-1, DR-10 and TR-1 Licenses (July 10, 2015).

[8] GEH styled its request to extend the decommissioning period for the three shutdown reactors as an exemption request under 10 CFR § 50.12 rather than a request for an alternative decommissioning schedule under 10 CFR 50.82(a)(3). Therefore, the issue before the Commission was whether GEH could adequately make the showing of "special circumstances" required by the regulation. Unlike the GEH request, Constellation is not requesting an exemption under 10 CFR 50.12.

> "…the NRC staff identified concerns with the structural integrity and aging management of the VBWR, EVESR, and GETR. These concerns were most evident for the VBWR containment building, which has noticeable cracking and spalling of the concrete structures; corrosion of the steel elements; and a history of moisture condensation, water intrusion, and water pooling in the basement. The staff safety concern is that this building is structurally compromised to the extent that an unmonitored release of residual radioactivity could occur."[9]

The staff went on to state that "[s]uch a release would violate 10 CFR 20.1406(c), which requires licensees to conduct operations to minimize the introduction of residual radioactivity into the site, in accordance with the radiological criteria for license termination in 10 CFR Part 20 for protection against radiation."[10] These concerns simply do not exist for PBAPS, Unit 1.

Finally, a majority of the Commission made clear in the voting record for SECY-21-0033 that the GEH-Vallecitos decision holds no precedential value. While individual Commissioner comments in the voting process do not necessarily dictate future outcomes, it is important to note that a Commission majority specifically commented on this, despite their votes to disapprove the exemption request.[11]

Even if the Commission's decision in SECY-21-0033 did have precedential value, an alternative decommissioning schedule for PBAPS, Unit 1, does not raise the same issues as raised in GEH-Vallecitos. As explained in Attachment 1, there are compelling site-specific factors with PBAPS, Unit 1, that were not present for GEH-Vallecitos, which support granting an alternative decommissioning schedule.

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[9] SECY-21-0033 at 5.

[10] SECY-21-0033 at 5.

[11] Both Chair Hanson and Commissioner Wright made clear that they did not view the Commission's decision on GEH-Vallecitos as precedent-setting. For example, Chair Hanson stated that "[t]he staff notes that this decision may be viewed as a precedent for other sites that have both shutdown and operational reactors. However, site-specific factors present at the GEH VNC site were a necessary part of my determination. In my view, *it is important that future applications for relief from the decommissioning schedule requirements in our regulations carefully take site specific factors into account and be evaluated by the staff on a case-by-case basis*." Chair Hanson vote on SECY-21-0033 (emphasis added).

Commissioner Wright also stated that "*I do not agree that this decision is precedential; the Commission's decision on this licensing action does not announce a new policy or bind the staff in any pending or future licensing reviews*. Granting this exemption would also not create a loophole in the regulatory requirement to decommission a power reactor within 60 years of shutdown. Instead, a decision here only applies to this specific request." Commissioner Wright vote on SEC-21-0033 (emphasis added).