




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

December 3, 2024

COMCTH-24-0005

PLEASE RESPOND BY:
December 17, 2024

MEMORANDUM TO: Commissioner Wright
Commissioner Caputo
Commissioner Crowell

FROM: Christopher T. Hanson 

SUBJECT: THRESHOLD CRITERIA FOR ALTERNATIVE
DECOMMISSIONING SCHEDULES

In SECY-24-0073: "Site-Specific Considerations for Review of Requests to Complete Power Reactor Decommissioning Beyond 60 Years from Permanent Cessation of Operations," the staff explained the four site-specific factors they use to evaluate a request for an alternative decommissioning schedule. The staff is currently reviewing two such requests: Peach Bottom Atomic Power Station Unit 1 and Dresden Nuclear Power Station Unit 1.

The threshold criteria in 10 CFR 50.82(a)(3) and 10 CFR 52.110(c) for approving a request for an alternative decommissioning timeline for a power reactor is very high. The staff can approve such a request "only when necessary to protect public health and safety." The regulations at 10 CFR 50.82(a)(3) and 10 CFR 52.110(c) also provide factors that the staff will consider in evaluating such a request. These 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." In SECY-24-0073, the staff explains that to meet this regulatory threshold in practice, "the applicant must demonstrate that decommissioning in the 60 year timeframe would present a potential for a hazard to occur such that the licensee would not be able to maintain public health and safety and security, and that there is no reasonable mitigation available to a licensee that could alleviate the hazard."

While I do not believe there is reason to question the codified 60-year timeframe for decommissioning, the changing landscape (evidenced by the request for alternative decommissioning schedules currently pending before the agency) raises concerns about the appropriateness of the current threshold criteria to extend the decommissioning schedule beyond 60 years (i.e., "only when necessary to protect public health and safety"). Even when taking the factors enumerated in 10 CFR 50.82(a)(3) or 10 CFR 52.110(c) into account, a licensee would seemingly have to determine, and the staff would have to find, that the licensee could not maintain public health and safety if decommissioning were completed within the 60-year timeframe.

Therefore, I propose that the Commission direct the staff to evaluate the threshold criteria in 10 CFR 50.82(a)(3) and 10 CFR 52.110(c) to determine what the appropriate standard should be when considering whether to approve requests for alternative decommissioning schedules beyond 60 years. The staff should consider whether further flexibility is needed in the threshold criteria to consider site-specific factors like the potential impact of decommissioning on operating units, the presence of generally licensed independent spent fuel storage installations, and the condition of the structures set to be decommissioned. The staff should then prepare a limited scope proposed rule for the Commission's consideration. A targeted rulemaking would allow for robust public engagement on the appropriate regulatory criteria for requesting an alternative decommissioning schedule beyond 60 years. The staff should prepare a rulemaking schedule that endeavors to have the rule become effective by the end of 2026.

SECY, please track.

cc: SECY
EDO
OGC
NMSS

SUBJECT: COMCTH-24-0005: THRESHOLD CRITERIA FOR ALTERNATIVE
DECOMMISSIONING SCHEDULES DATED: December 3, 2024.

ADAMS Accession Number: ML24338A054

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