



## Update on the Decommissioning Rulemaking

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## Recent and Planned Reactor Shutdowns

- Six power reactors shut down since 2012
- Eight announced plans to shut down between 2018-2025
  - Potential for additional shutdowns is uncertain
- Factors affecting licensees' decisions:
  - Long-term availability of less expensive power
  - Increasing plant modification, maintenance, and repair costs
- Requests for license amendments and regulatory exemptions
- NRC staff issued a Lessons Learned Report (ML16085A029)

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## Lessons Learned

- Early engagement between licensees and NRC can provide substantial benefits.
- Licensees should start preplanning before permanent cessation of operations and submit licensing actions well ahead of need dates.
- Appropriate use of established precedent can expedite NRC staff review.
- Public and intergovernmental outreach can result in a smoother transition.
- Rulemaking can provide a more efficient, open, and predictable process than plant-specific licensing actions.

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### Commission Direction

- In SRM-SECY-14-0118, the Commission directed staff to address the following issues in the rulemaking:
  - Graded approach to emergency preparedness
  - Lessons learned from recently shutdown plants
  - NRC approval of post-shutdown decommissioning activities report
  - Maintaining three existing decommissioning options and associated timeframes
  - Role of State and local governments and non-governmental stakeholders in the decommissioning process
  - Other issues deemed relevant by staff

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### Rulemaking Activities

- Advance Notice of Proposed Rulemaking was issued for comment in November 2015
  - 80 FR 72358
- Draft Regulatory Basis (RB) was issued for comment in March 2017
  - 82 FR 13778; ADAMS Accession No. ML17047A413
- Regulatory Analysis (RA) for Draft RB was issued for comment in May 2017
  - 82 FR 21481; ADAMS Accession No. ML16271A511
- Staff held a public meeting in May 2017
- RB was issued in November 2017
  - 82 FR 55954; ADAMS Accession No. ML17215A010
- RA for RB was issued in February 2018
  - 83 FR 5373; ADAMS Accession No. ML17332A075

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### Regulatory Basis Conclusions

- The NRC staff recommended that there is sufficient justification to proceed with rulemaking in the following areas:
  - Emergency preparedness
  - Physical security
  - Cybersecurity
  - Drug and alcohol testing
  - Training requirements for certified fuel handlers
  - Decommissioning trust funds
  - Financial protection requirements and indemnity agreements (onsite/offsite insurance)
  - Application of the backfit rule

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## Regulatory Basis Conclusions, Cont'd.

- The NRC staff recommended addressing some topics via updated guidance or inspection procedures in lieu of rulemaking. These topics include:
  - Minimum staffing
  - Post-shutdown Decommissioning Activities Report submittals
  - The role of State and local governments in the decommissioning process
  - Aging management of certain plant systems, structures and components

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| GRADED APPROACH          | Docketing of § 50.82 & § 52.110 Certifications                         |  |   |  |
|--------------------------|--|--|---|--|
|                          | LEVEL 1  | LEVEL 2  | LEVEL 3   | LEVEL 4                                      |
| Emergency Preparedness   | Post Shutdown Emergency Plan (PSEP)                                    | Permanently Defueled Emergency Plan (PDEP)   | ISFSI Only Emergency Plan (IOEP)                    | Permanent or Interim Waste Storage Available |
| Physical Security        | Can make certain physical security plan changes without prior approval |  | Can transition from \$73.55 to \$73.51 requirements |  |
| Cybersecurity            |  | Removal of cybersecurity requirements  |   |  |
| Onsite/Offsite Insurance |  | Reduction of onsite insurance to \$50 million<br>Reduction of offsite insurance to \$100 million |   |  |

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## Path Forward

- Proposed Rule/Draft Regulatory Guidance
  - Provide to Commission in May 2018
    - Public meeting will be held after Proposed Rule and Draft Regulatory Guidance are issued for public comment
- Draft Final Rule/Final Regulatory Guidance
  - Provide to the Commission in Fall 2019
    - Public meeting will be held to discuss implementation of the rule prior to delivering rule to the Commission for vote

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