

Statement before the U.S. Nuclear Regulatory Commission

March 15, 2016

Briefing on Power Reactor Decommissioning Rulemaking

Good Morning.

I am Wayne Norton, President and CEO of Yankee Rowe and Connecticut Yankee, and CNO of Maine Yankee. I am also the principle spokesperson for the Decommissioning Plant Coalition.<sup>1</sup>

First, let me compliment you and the staff of the NRC in your work to improve the effectiveness and efficiency of the agency's licensing actions and regulatory process. This is reflected not only in the goals stated in this Advanced Notice of Proposed Rulemaking (ANPR); it is also evident in the recommendations presented to you in connection with your project AIM effort. As the three Yankee companies and our colleagues in the DPC are committed to ensure the safe storage of nuclear material as long as it remains on our sites, we have a mutual interest in ensuring that our efforts are guided by appropriate risk informed regulations.

The 3 Yankee Companies and the DPC will provide comments on the ANPR. Many of our members have contributed greatly to the effort that NEI is devoting to developing its remarks. Our comments are focused on ensuring that the rulemaking effort will produce results that are consistent with the past risk informed decisions that have been applied to licensing actions for plants that have recently shut-down, those that are in some stage of decommissioning, and those that are "ISFSI Only" sites (NRC defines, "ISFSI Only," on its website as "the plant license has been reduced to include only the spent fuel storage facility").<sup>2</sup>

The ANPR states that the rulemaking initiative is not addressing any safety or security concerns. As such, any proposed changes must pass the test of improving and making more efficient and predictable the decommissioning process by reducing reliance on a number of licensing actions.

The ANPR also identifies another objective – "Identify, define, and resolve additional areas of concern related to the regulation of decommissioning power reactors." We believe any proposals relating to these additional areas of concern must strictly adhere to the primary and principle objective of the prospective rulemaking as stated: "to implement appropriate regulatory changes that reduce the number of licensing actions needed during decommissioning."

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<sup>1</sup> The DPC was established in 2001 out of the recognition that the overwhelming attention of the regulator, the industry and policy makers would be focused on the operating fleet and provides a forum for the identification of federal policy and regulatory issues of unique or special concern to decommissioning civilian nuclear facilities. Since its inception, plants that have been represented in the work of the DPC include: Big Rock (MI), Connecticut Yankee (CY), Dairyland (WI), Humboldt Bay (CA), Maine Yankee (ME), Rancho Seco (CA), San Onofre (CA), Vermont Yankee (VT), Yankee Rowe (MA), Zion (IL), and Crystal River (FL).

<sup>2</sup> "Backgrounder on Decommissioning Nuclear Power Plants"

Appropriately, the ANPR addresses many issues and opportunities for improving efficiency relating to exemptions that are, and have been, issued as a plant ceases operation, reduces risk and moves SNF to a spent fuel storage facility. However, we have reviewed the ANPR questions you have asked through the experience of our members who have previously decommissioned their respective nuclear plants and are now "ISFSI Only" facilities with the expectation that our members who have recently shutdown should arrive at "ISFSI Only" status in the future in a regulatory posture consistent with those already there.

We hope that our comments, and the comments you will receive from our individual members, will reinforce our view that the rulemaking take full account of the historical exemptions, approvals and licensing actions of licensees that underwent the decommissioning process defined in 10 CFR 50.82 to the point of achieving "ISFSI Only" status.

We believe the overall rulemaking effort will be enhanced if all continue to recognize the basic facts that 1) the process of transitioning a nuclear power plant to a permanent shutdown mode has been and is being safely and securely performed under the existing regulatory framework; 2) the process of decommissioning a nuclear plant that has permanently ceased operations has been and is being safely and securely performed under the existing regulatory framework; and 3) the management of Spent Nuclear Fuel and High Level Waste in an ISFSI has been and is being safely and securely performed under the existing regulatory framework.

Additionally, we believe that all future new rules and guidance documents applicable to operating reactors need to be reviewed before they are proposed, and a clear determination made and stated as to whether or not they apply to permanently shut down sites and/or ISFSI Only sites.

In reviewing the ANPR, and through discussions with NRC personnel involved in the ANPR, it appears that the focus of the rulemaking is on the "transition period" following plant shutdown and through the process of moving SNF from the reactor to the spent fuel pool and then to dry storage. As such, the proposed rule should not apply to former reactor sites that have already completed decommissioning of the power plant and are "ISFSI Only" sites. However, to the extent the NRC intends to have the rulemaking include "ISFSI Only" facilities we recommend the NRC consider modifying 10 CFR 72 and the applicable portions of 10 CFR 50 and 10 CFR 73 to define the "ISFSI Only" state for a 10 CFR 72 general licensee that is compatible with and comparable to the "ISFSI Only" state currently approved for 10CFR 72 specific licensees.

Our written comments will address each of the questions asked in the ANPR, and will expand upon the comments that I have highlighted today.

We will be pleased to work with you and the staff to make this effort as productive as possible. Thank you for the opportunity to appear before you today.