



# Decommissioning Rulemaking

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**Tribal Radioactive Materials Transportation Committee**

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# Recent and Planned Reactor Shutdowns

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- Seven power reactors shut down since 2012
- Announcements of plans for twelve additional reactors to shut down between 2019-2025
  - Potential for additional shutdowns is uncertain
- Requests for license amendments and regulatory exemptions
- NRC staff issued a Lessons Learned Report (ML16085A029)

# Lessons Learned

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- 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.

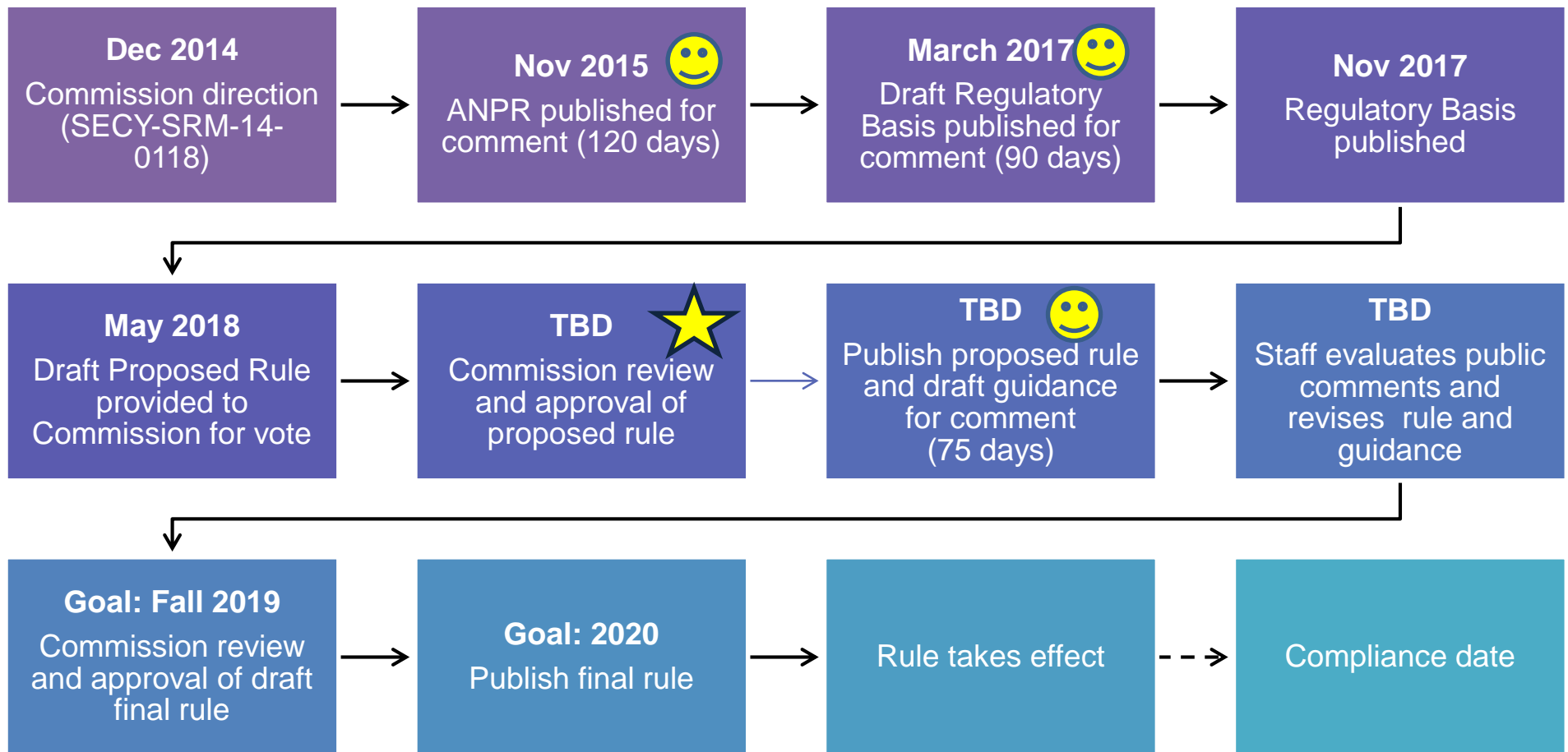
# Commission Direction

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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

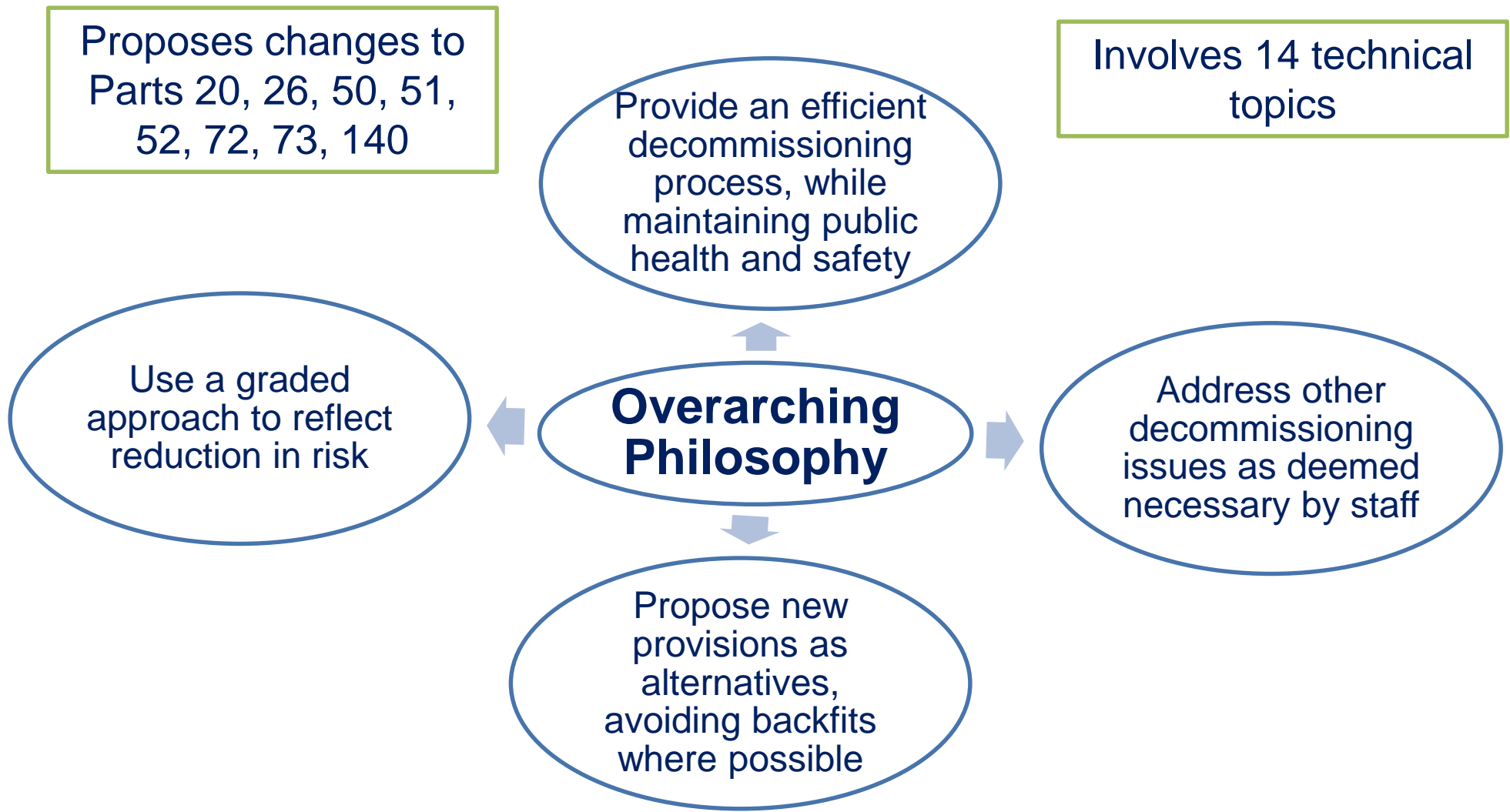
# Decommissioning Rulemaking Process



☺ = public participation

★ = where we are today

# Overview of Draft Proposed Rule



# Graded Approach

	<b>Docketing of § 50.82/§ 52.110 Certifications</b>  <b>LEVEL 1</b>	<b>Permanent Cessation of Operations + 10 Months (BWR) or 16 Months (PWR)</b>  <b>LEVEL 2</b>	<b>All Fuel in Dry Cask Storage</b>  <b>LEVEL 3</b>	<b>All Fuel Offsite</b>  <b>LEVEL 4</b>
<b>Emergency Preparedness</b>	Post Shutdown Emergency Plan (PSEP)	Permanently Defueled Emergency Plan (PDEP)	ISFSI Only Emergency Plan (IOEP)	Permanent or Interim Waste Storage Available
<b>Physical Security</b>	Allows for certain physical security plan changes without prior NRC approval		Can transition from §73.55 to §73.51 requirements	
<b>Cyber Security</b>		Removal of cyber security requirements		
<b>Onsite/Offsite Insurance</b>		Reduction of onsite insurance to \$50 million  Reduction of offsite insurance to \$100 million		

# Topics in Draft Proposed Rule

1. Emergency preparedness

2. Physical security

3. Cyber security

4. Drug and alcohol testing

5. Certified fuel handler definition and elimination of the shift technical advisor

6. Decommissioning funding assurance

7. Offsite and onsite financial protection requirements and indemnity agreements

8. Environmental considerations

9. Record retention requirements

10. Low-level waste transportation

11. Spent fuel management planning

12. Application of the backfit rule

13. Foreign ownership, control, or domination

14. Clarification of the scope of the license termination plan requirement



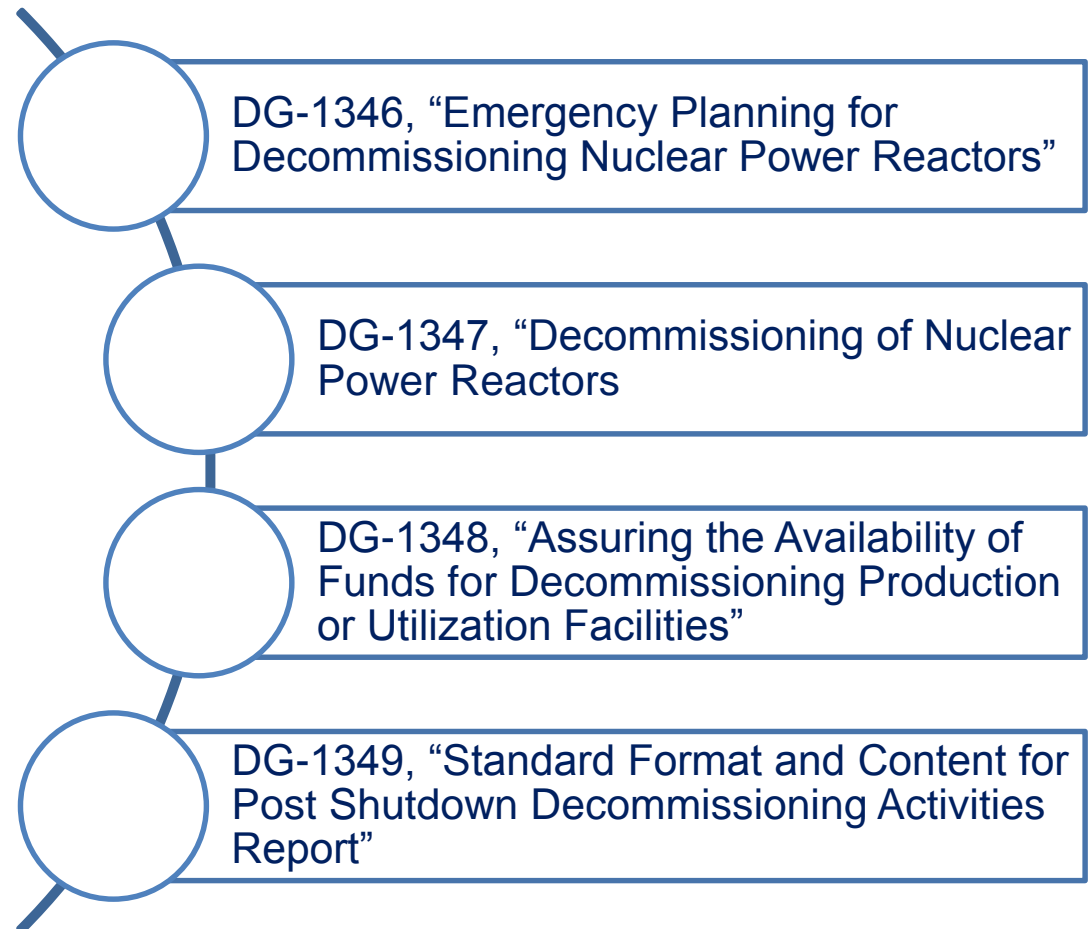
## Draft Proposed Rule, Cont'd

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

# Guidance

The NRC staff will publish four draft regulatory guides (DG) for public comment at the same time that the proposed rule is published.



# Topics of Highest Stakeholder Interest

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Emergency  
Preparedness

Role of local  
entities in the  
decommissioning  
process/  
community  
advisory boards

PSDAR/  
environmental  
reviews

Decommissioning  
Trust Funds

# Path Forward

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- Proposed Rule/Draft Regulatory Guidance
  - Awaiting Commission direction
    - Public meeting will be held after Proposed Rule and Draft Regulatory Guidance are issued for public comment

# Acronyms

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- SRM: Staff Requirements Memorandum
- ANPR: Advance Notice of Proposed Rulemaking
- EP: Emergency Preparedness
- NEI: Nuclear Energy Institute
- DG: Draft Regulatory Guide
- PSDAR: Post-Shutdown Activities Report