

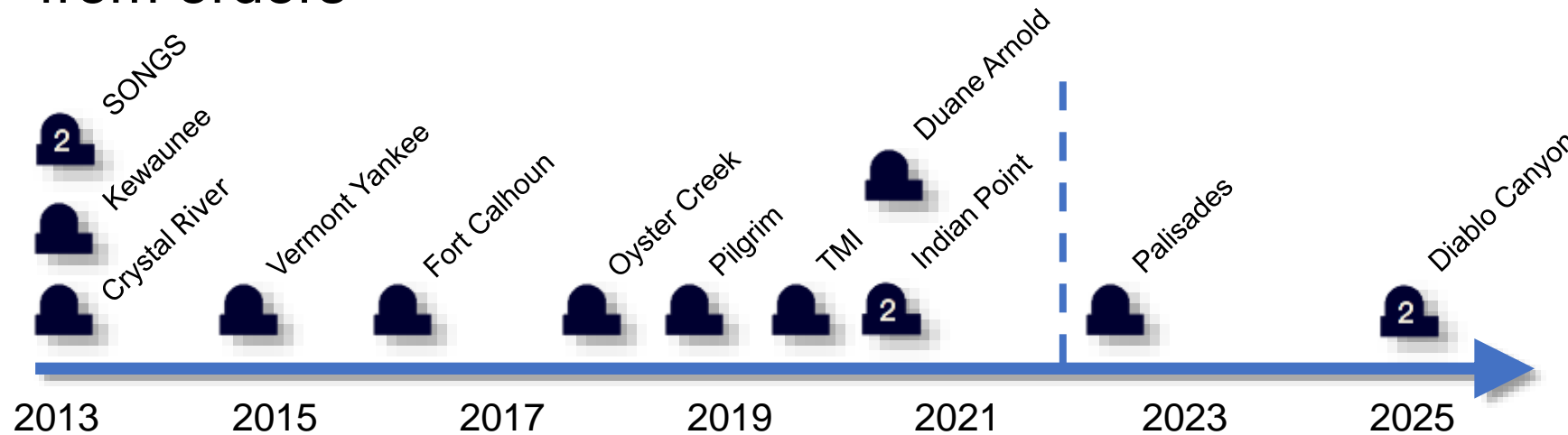
Decommissioning Rulemaking

Presentation for the Nuclear Energy Tribal Working Group
Washington, DC

March 16, 2022

Recent and Planned Shutdowns

- Factors affecting licensees' decisions
 - Market factors resulting in a decline in power prices
 - Increasing plant modification, maintenance, and repair costs
- Requests for license amendments, regulatory exemptions, and relief from orders

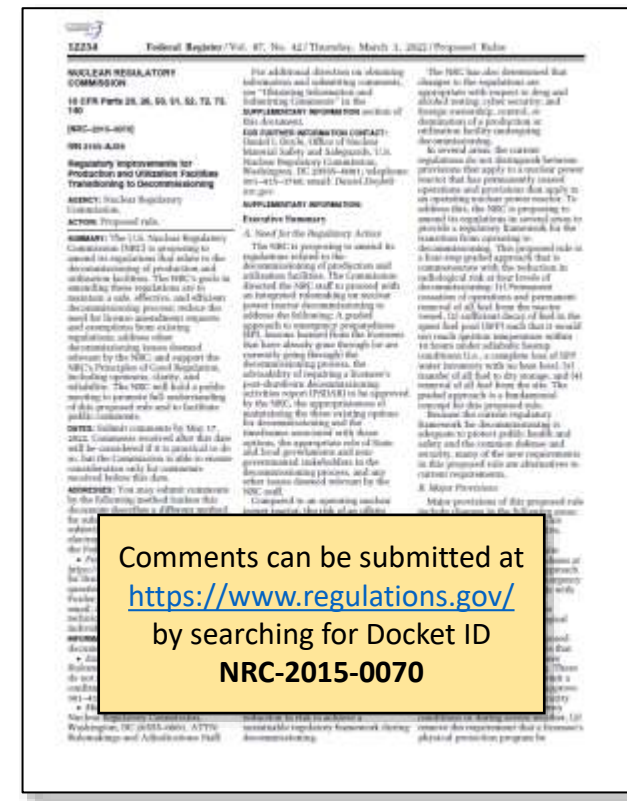


The NRC is seeking public comment on a proposed rule for decommissioning nuclear facilities

- The proposed rule would implement specific regulatory requirements for different phases of the decommissioning process consistent with the reduced radiological risk.

Topics include:

- Emergency preparedness
- Decommissioning funding assurance
- Environmental considerations
- Spent fuel management planning
- Record retention requirements
- Proposed rule published March 3, 2022 ([87 FR 12254](https://www.federalregister.gov/doc/2022/03/03/2022-0487))
- Four draft regulatory guides available for comment in parallel with the proposed rule
- Comment period is open until May 17, 2022



Graded Approach

	Docketing of 10 CFR 50.82/ 10 CFR 52.110 Certifications LEVEL 1	Permanent Cessation of Operations + 10 Months (BWR) or 16 Months (PWR) LEVEL 2	All Fuel in Dry Cask Storage LEVEL 3	All Fuel Offsite 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	Allows for certain physical security plan changes without prior NRC approval		Can transition from 10 CFR 73.55 to 10 CFR 73.51 requirements	
Cyber Security		Removal of cyber security requirements		
Onsite/Offsite Insurance		Reduction of onsite insurance to \$50 million Reduction of offsite insurance to \$100 million		

Proposed Rule and Related Documents

- **Proposed Rule**

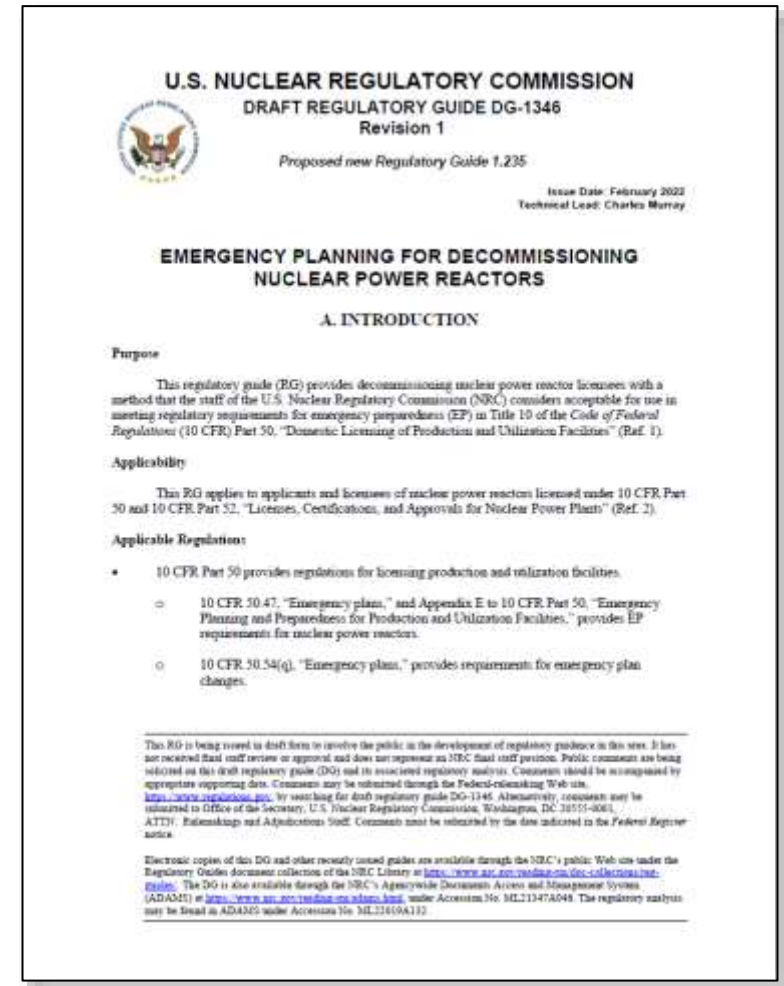
- Citation: 87 FR 12254 (March 3, 2022)
- [Web version](#)
- [Printed version](#)

- **Supporting & Related Material**

- Draft Regulatory Analysis ([ML22019A132](#))
- Draft Environmental Assessment ([ML22019A140](#))
- Draft Supporting Statements for Information Collections ([ML18039A192](#))
- Unofficial Redline Rule Text ([ML22032A001](#))

Guidance Documents

- DG-1346 Rev. 1 (Proposed New RG 1.235) Emergency Planning for Decommissioning Nuclear Power Reactors ([ML21347A046](#))
- DG-1347 Rev. 1 (Proposed RG 1.184 Rev. 2) Decommissioning of Nuclear Power Reactors ([ML21347A080](#))
- DG-1348 Rev. 1 (Proposed RG 1.159 Rev. 3) Assuring the Availability of Funds for Decommissioning Production or Utilization Facilities ([ML21347A081](#))
- DG-1349 Rev. 1 (Proposed RG 1.185 Rev. 2) Standard Format and Content for Post-Shutdown Decommissioning Activities Report ([ML21347A138](#))



Unofficial Redline Rule Language

- This document shows how the proposed rule would modify the current regulations in redline/strikeout format.
- ADAMS Accession No. [ML22032A001](#)

(b) Each power reactor applicant for or holder of an operating license, and each applicant for a combined license under subpart C of 10 CFR part 52 for a production or utilization facility of the type and power level specified in paragraph (c) of this section shall submit a decommissioning report, as required by § 50.33(k).

(1) For an applicant for or holder of an operating license under ~~the part 50~~, the report must contain a certification that ~~financially responsible~~ assurance for decommissioning ~~of funds will be available to decommission~~ will be (for a license applicant), or has been (for a license holder), provided in an amount which may be more, but not less, than the amount stated in the table in paragraph (c)(1) of this section, adjusted using a rate at least equal to that stated in paragraph (c)(2) of this section. ~~For an applicant for a combined license under subpart C of 10 CFR part 52, the report must contain a certification that financial assurance for decommissioning will be provided no later than 30 days after the Commission publishes notice in the Federal Register under § 52.103(a) in an amount which may be more, but not less, than the amount stated in the table of minimum amounts in paragraph (c)(1) of this section, adjusted using a rate at least equal to that stated in paragraph (c)(2) of this section. For an applicant for a combined license under subpart C of part 52 of this chapter, the report must contain a certification that reasonable assurance of funds to decommission will be provided no later than 30 days after the Commission publishes notice in the Federal Register under § 52.103(a) of this chapter in an amount which may be more, but not less, than the amount stated in the table of minimum amounts in paragraph (c)(1) of this section, adjusted using a rate at least equal to that stated in paragraph (c)(2) of this section.~~

(2) The amount to be provided must be adjusted annually using a rate at least equal to that stated in paragraph (c)(2) of this section.

(3) The amount must be covered by one or more of the methods described in paragraph (e) of this section ~~as acceptable to the NRC~~.

(4) The amount stated in the applicant's or licensee's certification may be based on a ~~site-specific decommissioning cost estimate for decommissioning the facility. The site-specific decommissioning cost estimate may be more, but not less, than the amount stated in the table of minimum amounts in paragraph (c)(1) of this section, adjusted using a rate at least equal to that stated in paragraph (c)(2) of this section.~~

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Find additional information on the NRC public website



<https://go.usa.gov/xzksC>

Questions?

Contact Dan Doyle, Dan.Doyle@nrc.gov, 301-415-3748



Next Steps

- Public comment period ends: May 17, 2022
- Final rule to the Commission: October 2023 (estimated)
- Final rule publication: May 2024 (estimated)

Acronyms

ADAMS	Agencywide Documents Access and Management System
BWR	boiling water reactor
CFR	<i>Code of Federal Regulations</i>
DG	draft regulatory guide
IOEP	ISFSI-only emergency plan
ISFSI	independent spent fuel storage installation
NRC	Nuclear Regulatory Commission
PDEP	permanently defueled emergency plan
PSEP	post-shutdown emergency plan
PWR	pressurized water reactor
RG	regulatory guide