

SCHEDULING NOTE

Title: **POWER REACTOR DECOMMISSIONING RULEMAKING (Public)**

Purpose: The purpose of the meeting is to provide the Commission with a discussion of NRC's rulemaking effort on power reactor decommissioning.

Scheduled: **March 15, 2016**
9:00 a.m.

Duration: Approx. 3 hours

Location: Commissioners' Conference Room, 1st fl OWFN

Participants: **Presentation**

NRC Staff **25 mins.***

Michael Johnson, Deputy Executive Director for Reactor and Preparedness Programs

Bruce Watson, Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, NMSS

Meena Khanna, Branch Chief, Plant Licensing Branch IV-2, Division of Operating Reactor Licensing, NRR

Jason Carneal, Project Manager, Rulemaking Branch, Division of Policy and Rulemaking, NRR

Topic:

- Current decommissioning framework and experience to date
- Overview of the Advance Notice of Proposed Rulemaking

Commission Q & A **5 mins.**

Panel 1 **25 mins.***

Paul Baldauf, Director, Division of Energy Security and Sustainability, New Jersey Department of Environmental Protection **5 mins.***

Dr. Robert B. Weisenmiller, Chair, California Energy Commission and California State Liaison Officer **5 mins.***

Teresa Engelhart, Radiological Emergency Preparedness Supervisor, Wisconsin Emergency Management **5 mins.***

Dan Wolf, State Senator, Commonwealth of Massachusetts 5 mins.*

Dwight Dudley, Florida State Representative 5 mins.*

Topic:

- Representatives of states and localities with decommissioning plants or plants that have announced planned closures giving their perspectives on the Advance Notice of Proposed Rulemaking

Commission Q & A 40 mins.

Break 5 mins.

Panel 2 30 mins.*

Rod McCullum, Senior Director, Used Fuel and Decommissioning Programs, Nuclear Energy Institute 5 mins.*

Pamela Cowan, Director, Spent Fuel and Decommissioning, Exelon Generation 5 mins.*

Gerry van Noordennen, Vice President, Regulatory Affairs at Zion, Energy Solutions 5 mins.*

Wayne A. Norton, Chair of the Decommissioning Plant Coalition, President / CEO of Yankee Atomic and Connecticut Yankee, and Chief Nuclear Officer of Maine Yankee. 5 mins.*

Geoffrey Fettus, Senior Project Attorney, Nuclear Program, Natural Resources Defense Council 5 mins.*

Kate O'Connor, Chairperson, Vermont Nuclear Decommissioning Citizens Advisory Panel 5 mins.*

Topic:

- Perspectives from Other External Stakeholders on the Advance Notice of Proposed Rulemaking

Commission Q & A 40 mins.

Discussion – Wrap-Up 5 mins.

*For presentation only and does not include time for Commission Q & A's



Power Reactor Decommissioning Commission Meeting March 15, 2016

Introductory Remarks

Michael Johnson

**Deputy Executive Director for Reactor
and Preparedness Programs**

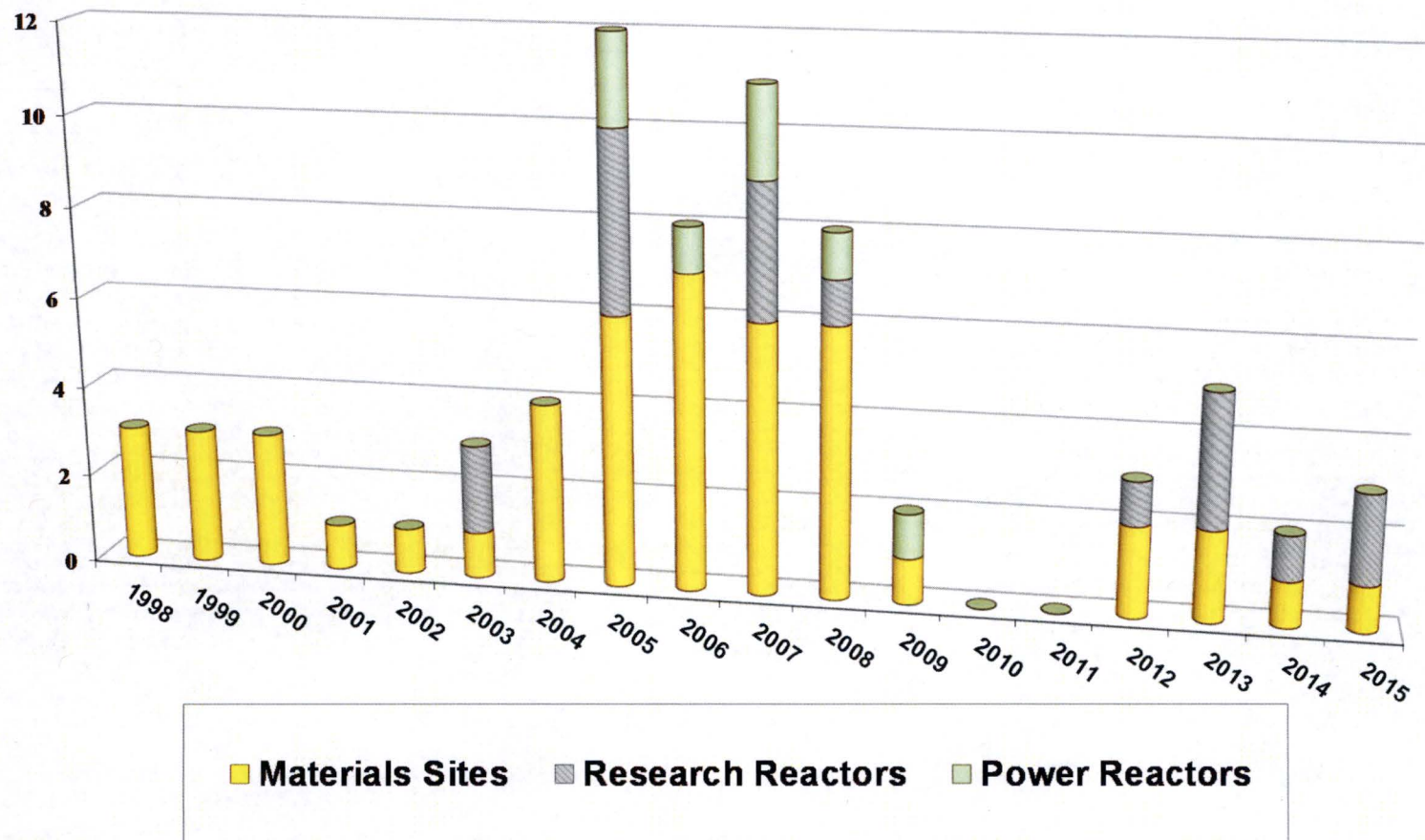
Power Reactor Decommissioning Commission Meeting March 15, 2016

**Overview of Reactor Decommissioning
Experience**

Bruce Watson

Office of Nuclear Material Safety and Safeguards

Safe Decommissionings Lead to NRC License Terminations



Significant Events Regarding Reactor Decommissioning Transitioning

2000 - SECY-00-145 Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning

- **September 11, 2001**
- **License Renewal**

2008 – SECY-08-0024 Delegation of Commission Authority to Staff to Approve or Deny Emergency Plan Changes that Represent a Decrease in Effectiveness

- **Requires Commission Approval**

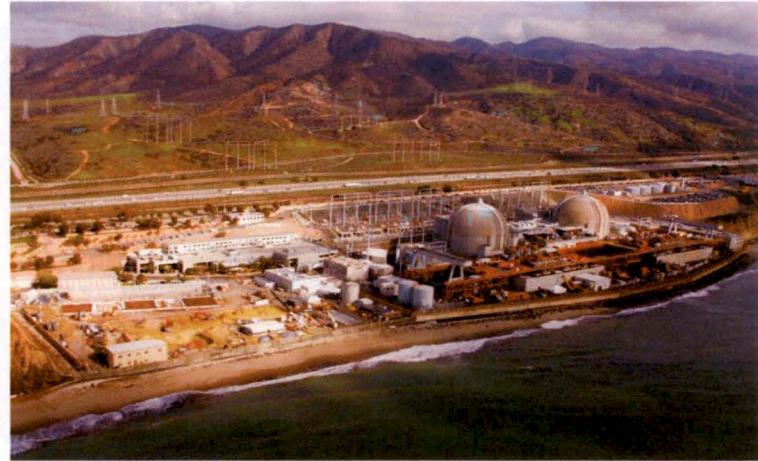
2011 - Fukushima Daiichi

- **New Orders**

Defined Decommissioning Roles

- **NRC Role**
 - **Independent Safety Regulator**
 - **Radiological Decommissioning**
- **State Legislatures and Public Utility Commissions Role**
 - **Regulate Utility Commerce**
 - **Site Restoration**
- **Licensee Role**
 - **Safe Decommissioning**
 - **Citizens Advisory Groups**

State and Local Government and Public Involvement is Variable



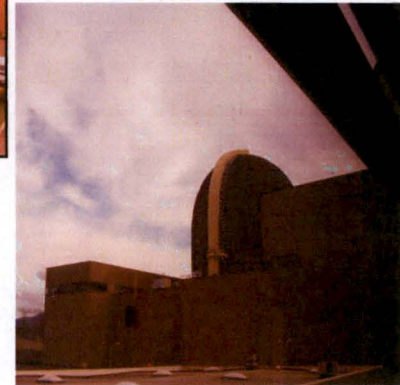
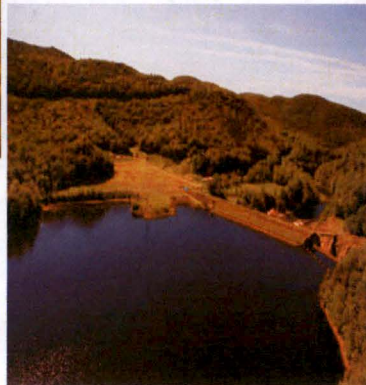
Experienced Power Reactor Decommissioning Program

10 Power Reactor Licenses Terminated

5 in Active DECON

14 in SAFSTOR

3 Announced Future Shutdowns



Power Reactor Decommissioning Commission Meeting March 15, 2016

**Regulatory Framework for Operating Plants
Transitioning to Decommissioning**

Meena Khanna

Office of Nuclear Reactor Regulation

Recent and Planned Plant Shutdowns

- **Unplanned Reactor Shutdowns**
 - **Kewaunee**
 - **San Onofre Units 2 and 3**
 - **Crystal River Unit 3**
 - **Vermont Yankee**
- **Future Planned Shutdowns**
 - **FitzPatrick**
 - **Pilgrim**
 - **Oyster Creek**
- **Other Potential Plants?**

Current Regulatory Framework Ensures Safe Decommissioning

- **Ensures adequate protection of public health and safety and of the environment**
- **Some regulations for power reactors continue to apply to decommissioning plants**
- **Risks of radiological releases are reduced at decommissioning plants**
- **Licensing actions are submitted to reflect reduction in risk**
- **Long-term regulatory framework for decommissioning is established during transition**

Decommissioning Transition Experience and Challenges

- **NRC and Licensee Experience Gap**
 - 15-year interval since prior decommissioning
 - Learning curve in processing decommissioning transition licensing actions
- **Licensing Impacts from the Five Premature Reactor Unit Shutdowns**
 - Minimal pre-planning of licensing reviews
 - Over 70 decommissioning-related licensing actions
 - Concurrent licensing action submittals and competing priorities for expedited reviews

NRC Actions and Assessment

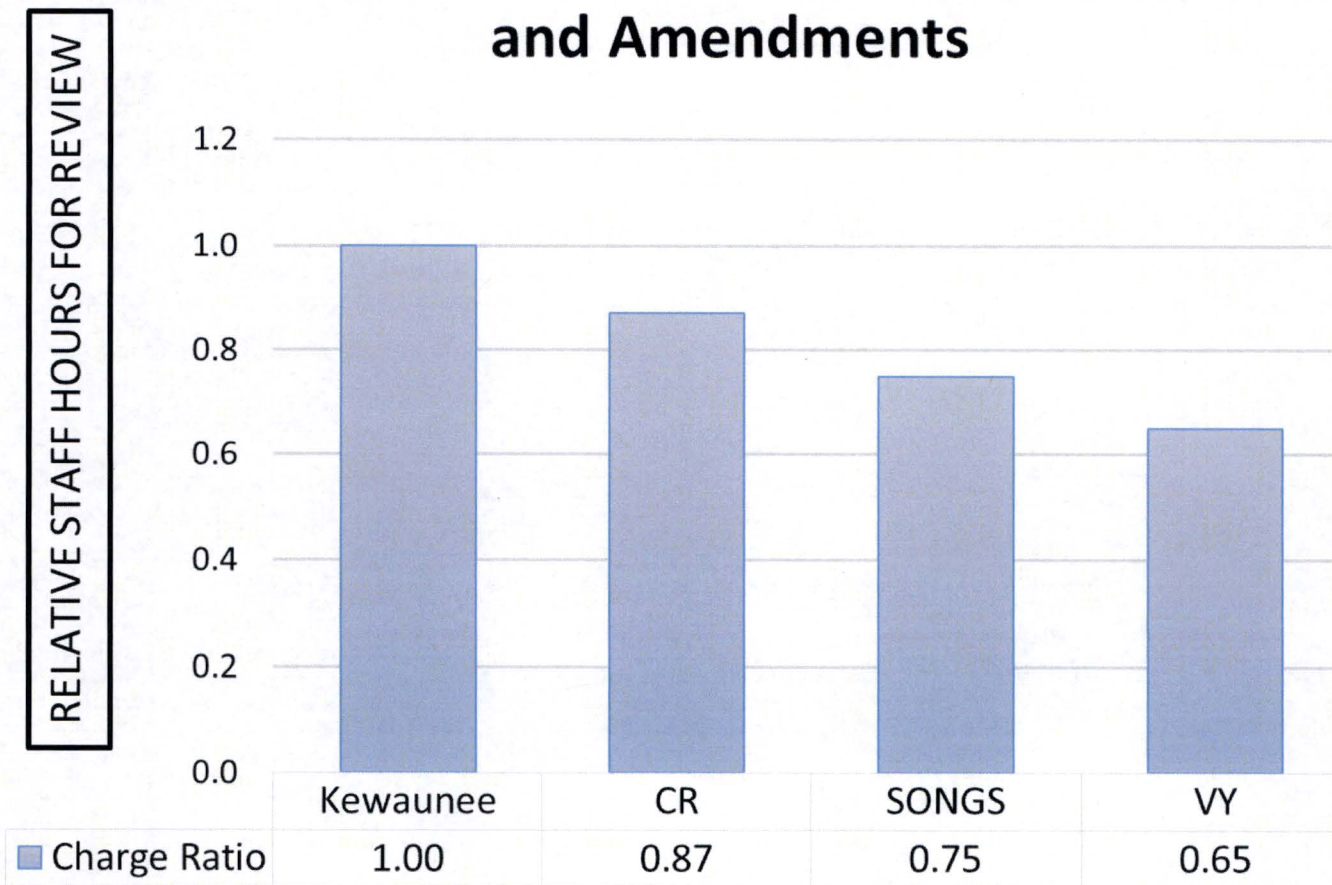
- **Actions Taken to Gain Efficiencies**
 - **Consolidated project management**
 - **Formed interoffice working group**
 - **Developed interim staff guidance**
 - **Prioritized decommissioning licensing actions**
- **Assessment of Current Regulatory Framework**
 - **Plants are decommissioning safely**

Implementing Lessons Learned to Gain Efficiencies

- **Early licensee engagement with NRC**
- **Early licensee submittals of decommissioning licensing actions**
- **Use of established precedent**
- **Public and intergovernmental meetings and outreach**

Efficiencies Gained from Experience

Efficiencies Gained In Processing Emergency Preparedness Exemptions and Amendments



Going Forward

- **Continued use of current transition process with implementation of lessons learned until decommissioning rulemaking is implemented**
- **Proceed with decommissioning rulemaking activities as directed by the Commission**

Power Reactor Decommissioning Commission Meeting March 15, 2016

**Overview of the Rulemaking Effort and Advanced
Notice of Proposed Rulemaking**

Jason Carneal

Office of Nuclear Reactor Regulation

Commission Established Rule Scope

In SRM-SECY-14-0118, the Commission Directed Staff to Address the Following Issues in the Rulemaking:

- Graded Approach to Emergency Preparedness**
- Lessons Learned**
- NRC Approval of Post-Shutdown Decommissioning Activity Report**
- Maintaining Three Existing Decommissioning Options and Associated Timeframes**
- Role of State and Local Governments and Non-Governmental Stakeholders**
- Other Issues Deemed Relevant by Staff**

Seeking Stakeholder Input

- **Staff published an Advance Notice of Proposed Rulemaking (ANPR) on November 19, 2015**
- **Public meeting conducted on December 9, 2015**
- **ANPR comment period extended to March 18, 2016**

ANPR Will Help Define Rule Scope

The ANPR seeks specific feedback on:

Emergency Preparedness	Physical Security	Fitness for Duty
Training Requirements for Certified Fuel Handlers	Current Regulatory Approach for Decommissioning	Application of backfitting protection
Decommissioning Trust Funds	Offsite and Onsite Liability Protection	General Questions (e.g., Cumulative Effects of Regulation)

Pursuing Rule Completion

- **Advance Notice of Proposed Rulemaking**
 - **Published November 2015**
- **Draft Regulatory Basis**
 - **November 2016**
- **Final Regulatory Basis**
 - **June 2017**
- **Proposed Rule/Draft Regulatory Guidance**
 - **April 2018**
- **Final Rule/Final Regulatory Guidance**
 - **Objective: Provide to the Commission in calendar year 2019**

Power Reactor Decommissioning Commission Meeting March 15, 2016

Closing Remarks

Michael Johnson

**Deputy Executive Director for Reactor
and Preparedness Programs**



New Jersey Comments Decommissioning Power Plants

- Support NRC Pursuing Rulemaking
- Focus Areas – Offsite EP, Physical Security, Backfit Analysis, State/Stakeholder Participation



Off-Site Emergency Planning

- Use of EPA PAG Evacuation Threshold Not Appropriate
- Three Tier Approach (Cessation to 15 months, Fuel Remains in Spent Fuel Pool, All Fuel in Dry Cask Storage)



Physical Security

- Consistent with the three tiers discussed for Emergency Planning
- Reduction of Security Footprint and other measures commensurate with tier thresholds



Backfit Analysis

- Previously Approved Exemptions are Likely to Deviate from the Final Rule
- Deviations Should be Addressed to Minimize Impacts to Any Site in Decommissioning at the time of Rule Adoption
- Backfit should not be considered as the basis for not including necessary deviations to further protect public health and safety



State/Stakeholder Participation

- Community Advisory Panel Strongly Encouraged
- New Jersey Participation in NRC Inspections and Oversight Activities Continue Through Decommissioning

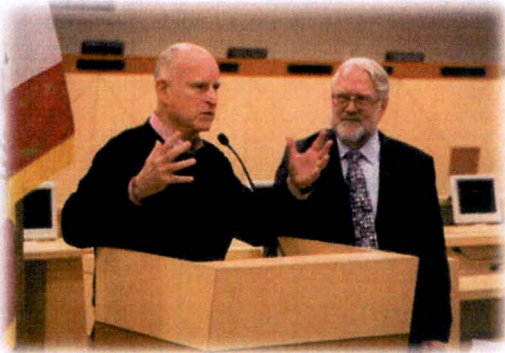


Contact Information

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CALIFORNIA ENERGY COMMISSION



State of California

Decommissioning Rulemaking

Robert Weisenmiller, Ph. D.

Chair of the California Energy Commission,

State Liaison Officer to the NRC

March 15, 2016



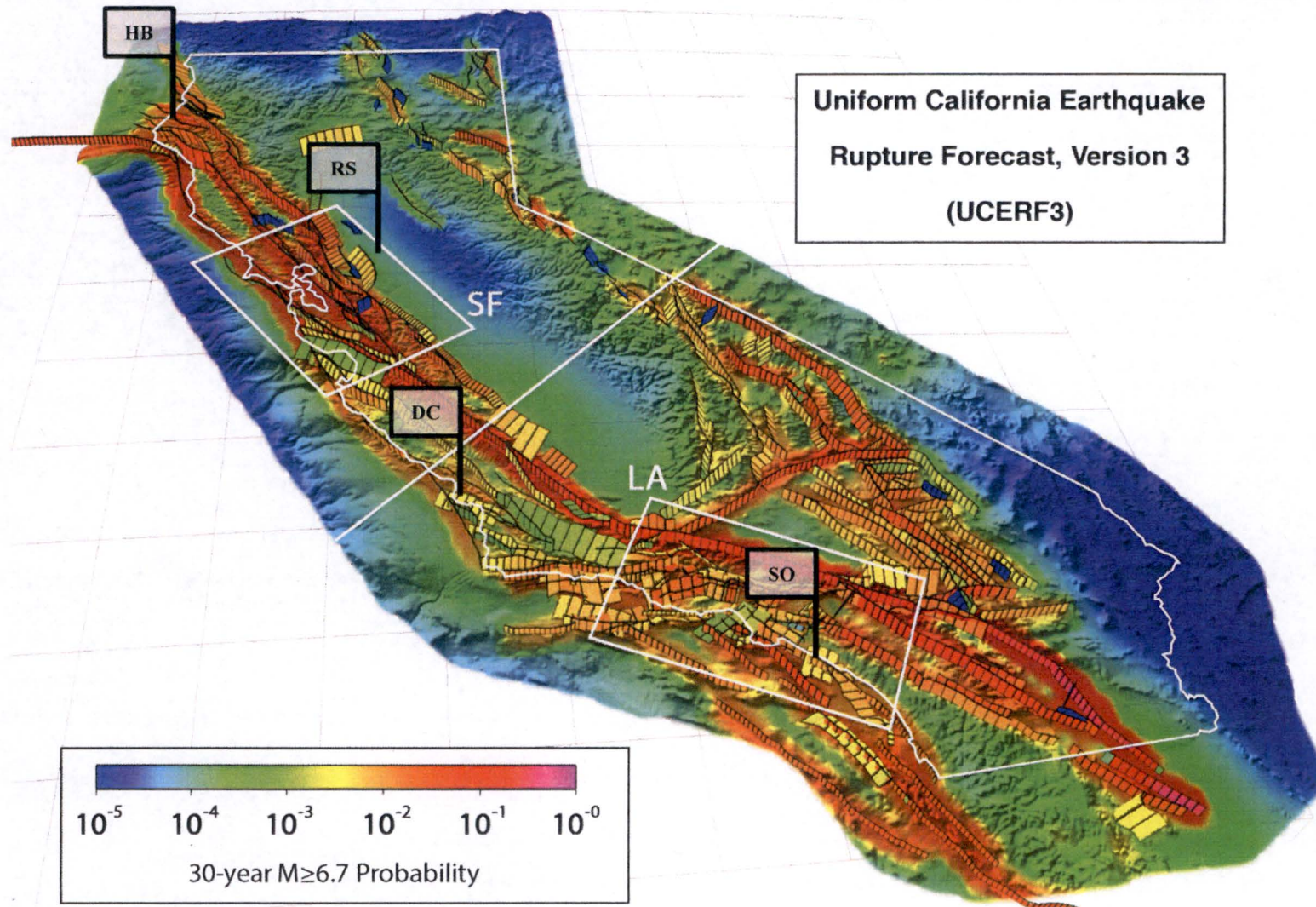
Summary of California's Position

- Under the New Regulations, a decommissioning basis set should be designed to: maximize safety; minimize environmental damage and economic impacts; support an efficient, expedient process while promoting transparency, flexibility, and responsiveness.
- The current role of the states in the decommissioning process should be expanded and enhanced.
- Decommissioning Regulations should not be a generic waste management rule, but rather a site specific approach that includes state and local government, informed by generic guidance from the NRC.



CALIFORNIA ENERGY COMMISSION

State Nuclear Facilities & Seismicity

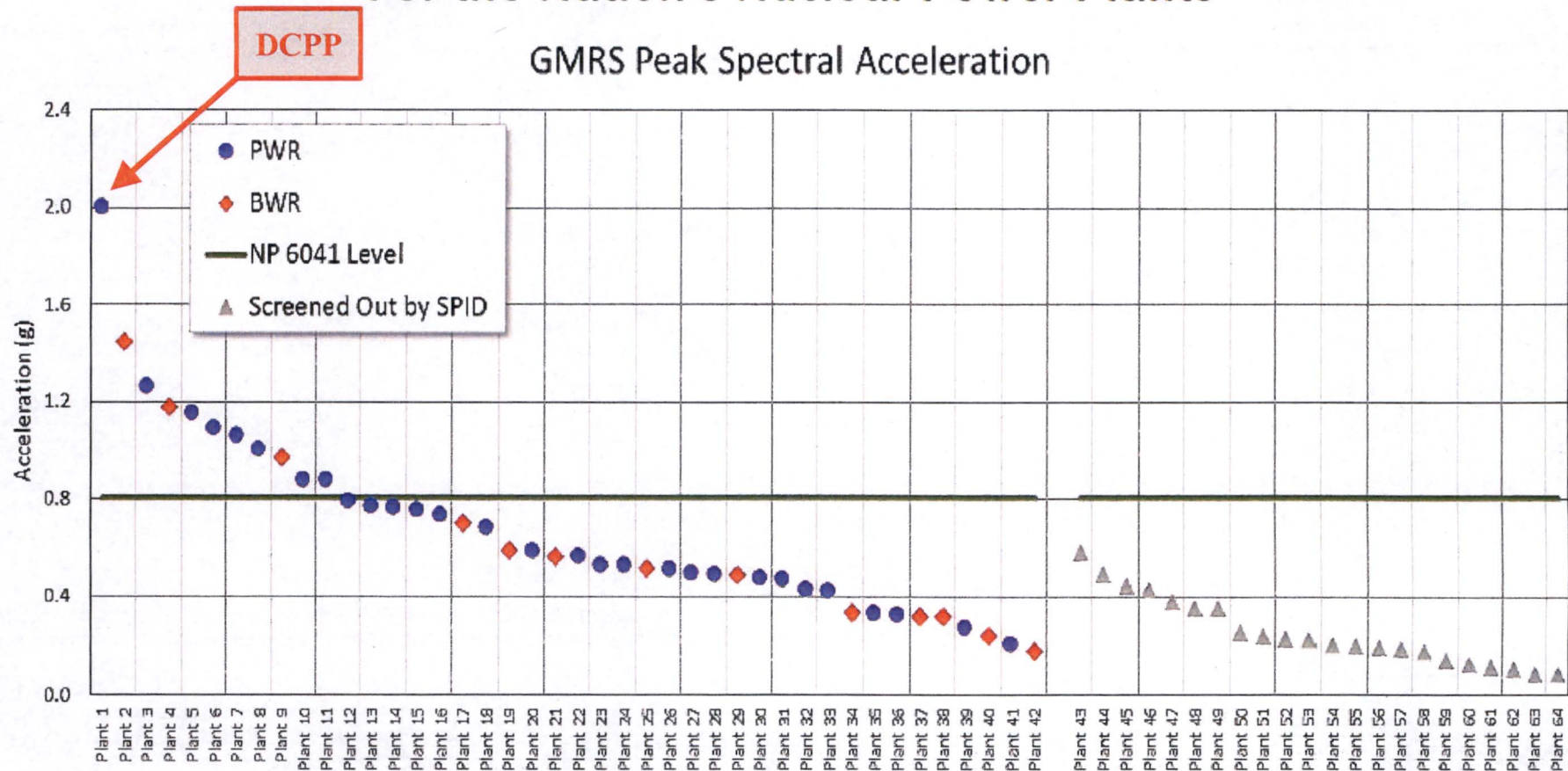


Source: Uniform California Earthquake Rupture Forecast, Version 3 (UCERF3)—The Time-Independent Model



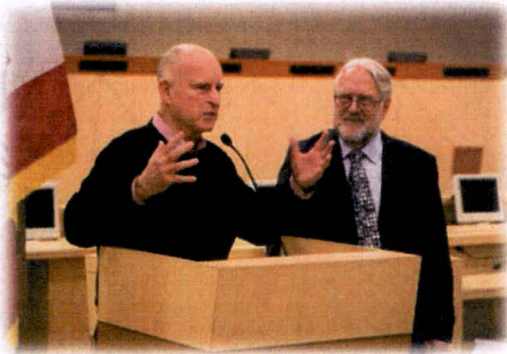
California's Last Nuclear Plant

Ground Motion Response Spectrum Acceleration For the Nation's Nuclear Power Plants





CALIFORNIA ENERGY COMMISSION



Thank you

Robert Weisenmiller, Ph. D.
Chair of the California Energy Commission
(916) 654-5036
Robert.Weisenmiller@energy.ca.gov



Decommissioning Reactor Rulemaking

Kewaunee Power Station

- **Announced shut-down on October 22, 2012**
- **Last day of production was May 7, 2013**
- **Fuel removed from reactor vessel by May 14, 2013**

Wisconsin compiled a list of questions/issues in late October

FEMA Region V held a Transition and Decommissioning meeting in early February 2013.



Decommissioning Reactor Rulemaking

- **Unique situation – Point Beach Nuclear Plant is 4.5 miles away**
- **The two plants shared EPZ's, sirens, facilities and training responsibilities**
- **KPS had an exercise scheduled for June 2013**



Decommissioning Reactor Rulemaking

Response to questions from ANPR published in Federal Register

- **Licensees no longer need an off-site emergency plan, but relationships still exist for drills, EALs, and training.**
- **MOUs are still in place for LLE, EMS, County EM, Fire, Hospital, township and in this case, Point Beach Nuclear Plant**
- **Off-site involvement is now to be covered under our comprehensive emergency plans**



Decommissioning Reactor Rulemaking

While fuel rods are stored in Spent Fuel Pool, there is a slight chance of an accident, possibly resulting in an Alert Emergency Classification Level (ECL).

- **Once fuel is removed from the reactor vessel, some requirements could be automatically exempted, such as plume based exercises.**

Once fuel is moved to dry cask storage, it becomes more of a security matter.

- **Until fuel is removed from the site, security forces will be required and off-site collaboration is still necessary.**

Cyber Security efforts should continue for any systems remaining.



Decommissioning Reactor Rulemaking

Until exemptions are granted, clear guidance regarding conducting exercises and open exercise issues should exist.

The 50.54(t) review of Emergency Planning program elements should continue.

The State's role should be enhanced in the decommissioning process.

A Community Engagement Panel should be mandatory and should have state representation.

Power Reactor Decommissioning Rulemaking

Massachusetts State Senator Daniel A. Wolf
Cape and Islands District

March 15, 2016



Pilgrim Nuclear Power Station has announced
that it will close no later than June 2019

- ★ = Pilgrim Location
- = Cape & Islands District
- = State Boundary

Decommissioning Goals from a State Perspective

- Safe removal of fuel from the reactor vessel
- Transfer fuel from the spent fuel pool to dry cask storage
- Clean up and rehabilitate the site for productive use, consistent with community goals, as quickly as practicable
- Give the public, the state and local authorities a voice in the process
- Continue appropriate monitoring, emergency preparedness, and evacuation planning during the process
- Ensure that the economics of decommissioning reflect best public policy for the citizens, not investor interests

Suggested Regulatory Approach for Decommissioning

- Require licensees to prepare a more detailed site-specific Post-Shutdown Decommissioning Activities Report (“PSDAR”) that includes:
 - a site characterization
 - plans for site remediation and a description of the end use of the site, if restricted
 - plans for spent fuel management
 - a proposed timeline for the decommissioning activities that enables decommissioning to take place safely and as quickly as possible
 - prioritize immediate risks (e.g. eliminating high-density storage of irradiated fuel in spent fuel pools)
 - reflect up-to-date scientific evidence and technology
 - safety and emergency preparedness plans that reflect site-specific risks at various stages of decommissioning
 - require transition to dry cask storage before reducing emergency response or security requirements
 - cost estimates for decommissioning and spent fuel management

Suggested Regulatory Approach for Decommissioning

- Require the formation of a community engagement/advisory panel.
- Require a public hearing, opportunity to comment and public input on a draft of the PSDAR and any subsequent requests to change or update the PSDAR.
- Require the NRC to analyze long term environmental impacts of the PSDAR prior to approval.
- Require local and/or state approval and NRC approval of the final PSDAR and any requests to change or update the PSDAR.

Suggested Changes to Decommissioning Trust Funds

- Broaden the definition of legitimate decommissioning activities to include site restoration and spent fuel management.
- Allow Decommissioning Trust Funds to be used to move spent fuel from wet storage to dry cask; however, require licensees to replenish the Fund with any money recovered from the Department of Energy for this purpose.
- Do not allow the Fund to be used for other corporate expenses such as taxes and lobbying.

Suggested Changes to Decommissioning Trust Funds

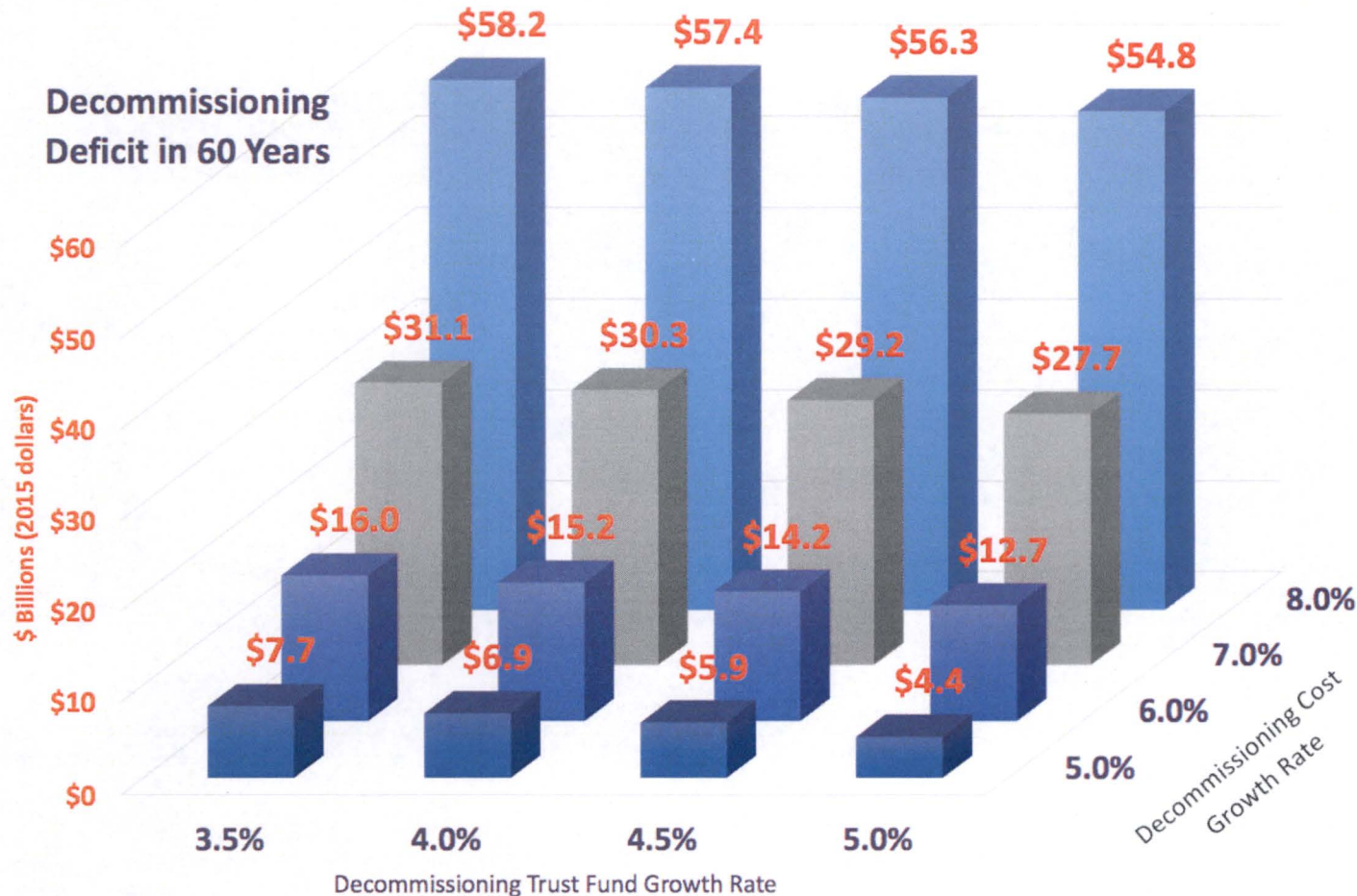
- To the extent possible, ensure that the parent company of the limited liability corporation (LLC) that manages a single nuclear power station be held accountable for cleanup costs.
- Clarify that non-radiological issues and issues unrelated to operational safety (site restoration, non-radiological cleanup, redevelopment planning) are subject to state and local oversight and not preempted.

Projected Pilgrim Nuclear Decommissioning Deficit

Current Trust Fund has approximately \$900 million

Current Expected Decommissioning Costs (including site restoration and spent fuel management) are approximately \$1.4 billion

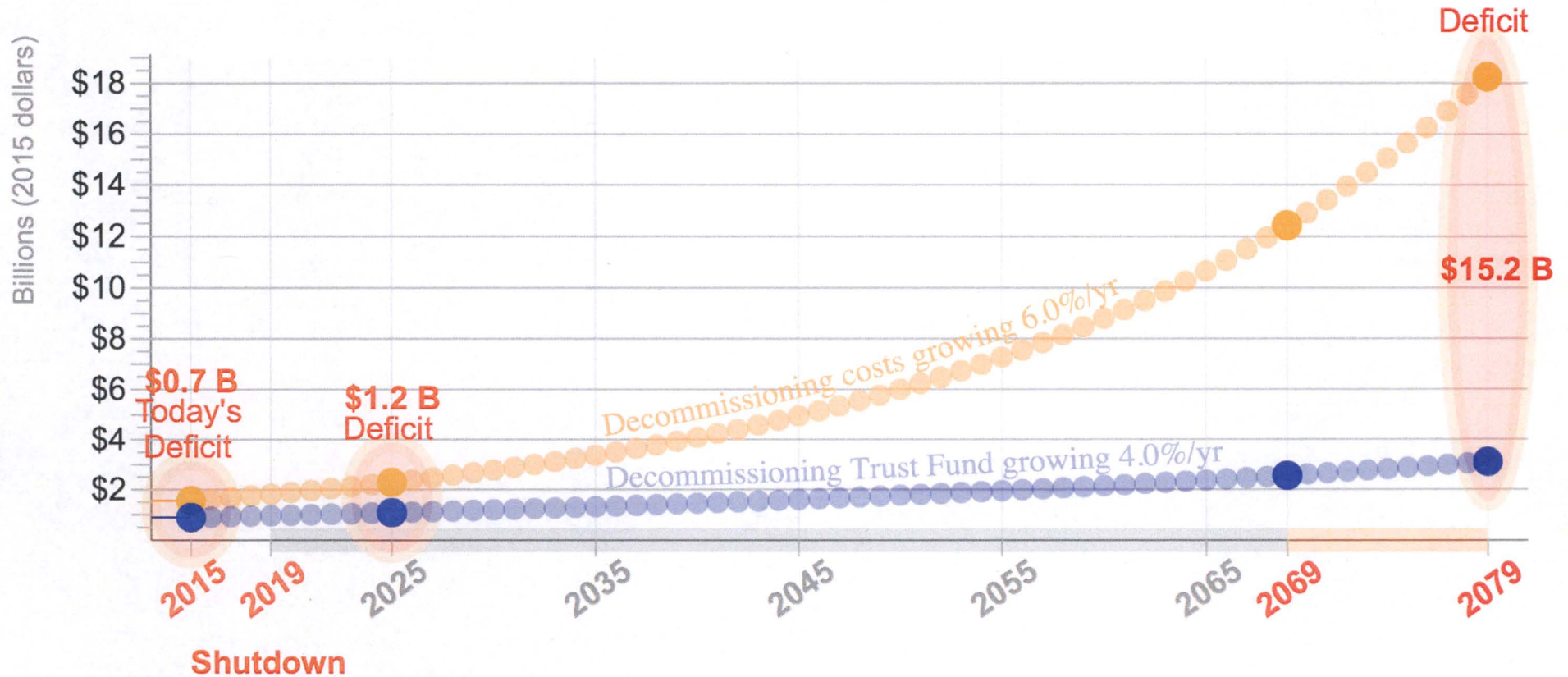
Projected Pilgrim Nuclear Decommissioning Deficit



Assumptions:

- 1) Trust Fund is not used for any purpose other than decommissioning.
- 2) Decommissioning is defined broadly to include site restoration and spent fuel management costs.
- 3) The cost of spent fuel management will be reimbursed from the existing DOE fund.

Projected Pilgrim Nuclear Decommissioning Deficit





Power Plant Decommissioning: Florida's Perspective

Representative Dwight Dudley
Florida House of Representatives

Crystal River III



History

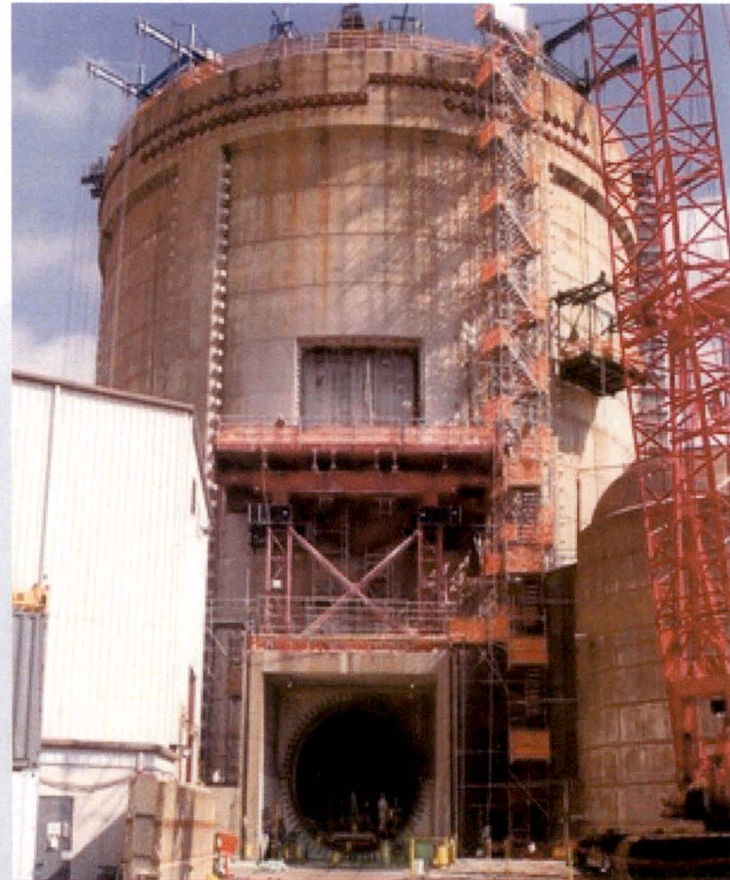
- CR3 began operation in 1977
- Cost = \$470 million
- During construction, a flaw was discovered in the upper dome of the reactor's concrete containment building.
- Steel reinforcement was added to the dome, but not to the walls.
- CR3 was deactivated in 1996 due to problems with back-up generators.
- Placed on the Nuclear Regulatory Commission's watch list of the 14 worst-run reactors in the U.S. (out of 109)

Shutdown

- In 2009, CR3 was taken offline so that two of its steam generators could be upgraded.
- In an attempt to save \$15 million, the utility decided to perform the upgrades themselves.
- In the process, a containment wall was damaged.
- Efforts to fix the problem made it worse.
- Estimated cost of repair = \$3.4 billion.
- In 2013, Duke Energy announced that the plant would be permanently closed.
- CR3 was ultimately retired 27 years earlier than its natural lifespan.

Cost to Ratepayers

- \$1.3 billion for repairs, operations, maintenance and construction
- \$450 million for uprates under Florida's Nuclear Cost Recovery statute
- As much as \$300 million per year for replacement fuel
- \$1.5 billion for a natural gas plant to replace generation lost from the closure of CR3



Effect on the Community

- The metro area surrounding crystal river topped the nation in GDP loss in 2014.
- 400 plant workers lost their jobs.
- Duke Energy's tax bill dropped from \$35 million to \$13 million.
- 1/4 of the county's general fund
- Dire consequences for schools, safety and public services
- "Nuclear stigma"

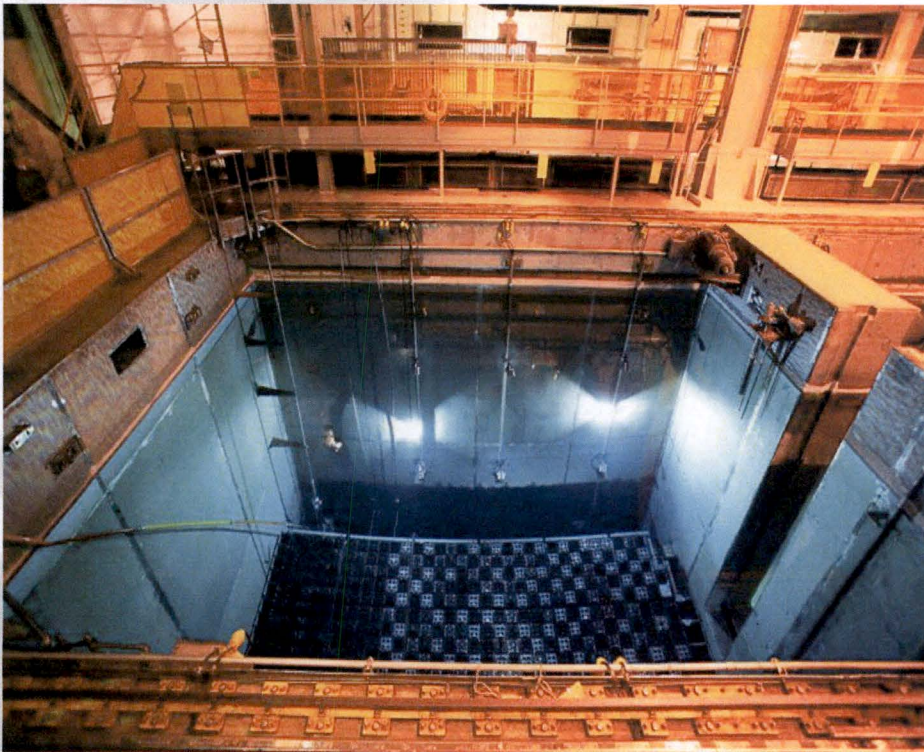
Price Paid by the Utility?

- Duke collected \$100 million from the original failed upgrades to the plant's steam generators.
- In addition, they were able to keep 7% from a subsequent \$100 million project to stabilize the broken containment wall.
- Granted by Florida's Public Service Commission



Decommissioning

Cost



- \$1.18 billion in 2013 dollars
- ~100 million for a dry cask fuel storage site
- Decommissioning fund = \$780 million

SAFSTOR

- CR3 entered safe storage (SAFSTOR) in July of 2015.
- One of three decommissioning strategies (DECON, ETOMB)
- The process could take up to 60 years.
- Duke has estimated that the Decommissioning Trust Fund will grow over that time to cover the cost.



Policy Recommendations

Decommissioning Funds

- Require licensees to have adequate decommissioning funds upon closure.
- Prohibit funds from being used for purposes other than the cleanup of radiological contamination.
- Proactively monitor expenditures.
- Ensure that unexpended funds are released to ratepayers.

Decommissioning Methods

- Replace the Post-Shutdown Decommissioning Activities Report (PSDAR) with the Decommissioning Plan.
- Require licensees to justify selection of SAFSTOR as a decommissioning strategy.
- Establish inspections and enforcement during the decommissioning process.
- Formalize a fourth method that combines aspects of DECON and SAFSTOR.

Local and State Involvement

- Restore hearing rights of the public.
- Establish site-specific advisory boards that allow affected communities to participate in the process.
- Permit Agreement States to become involved in decommissioning.

Manatees at Crystal River





Questions?



NRC's Rulemaking Effort on Power Reactor Decommissioning

Industry perspective

Rod McCullum, NEI

*U.S. Nuclear Regulatory Commission Briefing
Rockville, MD*

March 15, 2016



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Decommissioning Landscape

- NRC has a proven regulatory framework for decommissioning activities
 - Regulations for Permanent Defueling, SAFSTOR, Radiological Decommissioning, & Spent Management are well established
- 10 plants have safely completed decommissioning
- 18 plants are in the process of decommissioning
 - 5 plants* most recently shutdown face a regulatory environment that has evolved significantly since 2000
 - Recently shutdown plants have higher dependence on licensing actions (amendments/exemptions) during transition
- 3 plants** have announced near term shutdown



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*Kewaunee, Crystal River 3, Vermont Yankee, & SONGs 2 & 3

**Pilgrim, Fitzpatrick, & Oyster Creek

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Decommissioning Transition

- Licensing Actions (exemptions and/or license amendments) are required at the following points:

Transition Points	What is Transitioning
Permanently Defueled	Emergency Preparedness (EP), Security, Work Hours, Staffing/Training, Use of Trust Fund for Spent Fuel Expenses
Permanently Defueled – with qualifying SFP analysis	EP, Insurance
All Fuel in Dry Storage	EP, Security, Staffing/Training, Foreign Ownership
All Fuel Removed from Site	EP, Security

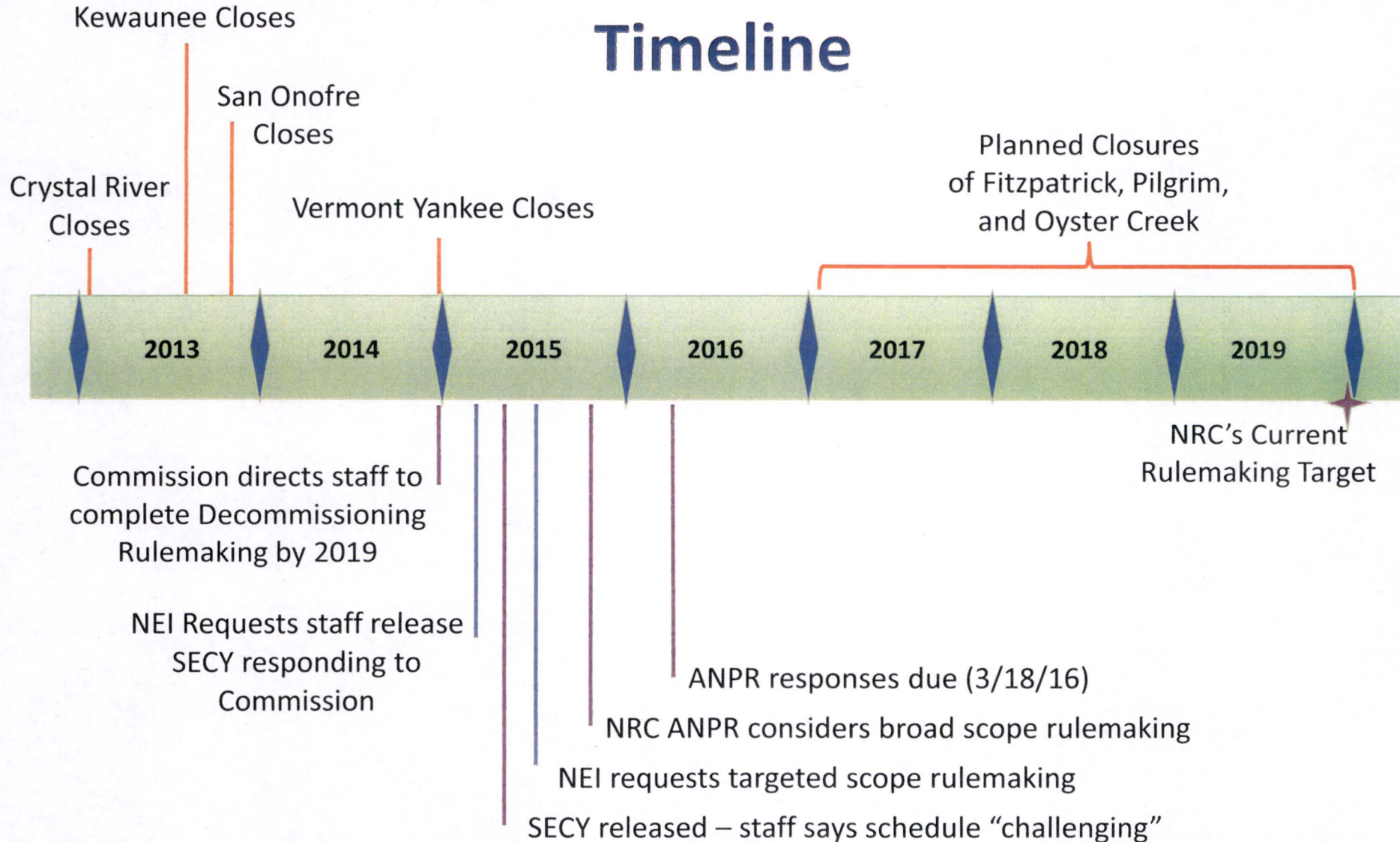
- Licensing Actions make for an inefficient transition
 - 12-18 months to complete (>\$1.5M effort) while unnecessary compliance costs of >\$1M/month are incurred



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Timeline



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Industry Recommendation

- Industry recommends that NRC pursue a limited scope rulemaking to address only the current transition inefficiencies
- Industry believes that NRC already has a regulatory basis for a limited scope rule
- NRC should be able to complete a limited scope rulemaking in a more timely manner
- Industry will submit a detailed rulemaking proposal



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Decommissioning Rulemaking Today

*NRC's Advanced Notice of Proposed Rulemaking**

- “the need for a power reactor decommissioning rulemaking is not based on any identified safety-driven or security driven concerns.”
- “the primary objective of the decommissioning rulemaking is to implement appropriate regulatory changes that reduce the number of licensing actions needed during decommissioning”



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*80 Fed. Reg. 72,361, November 19, 2015

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Conclusion

- Any decommissioning rule must be carefully evaluated in the overall context in which today's nuclear industry exists
 - Must be consistent with the objectives of Project AIM
- Accordingly, industry recommends that NRC proceed with limited scope rulemaking limited to only changes that comport with the primary objective stated in the ANPR



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NRC Commission Meeting on Decommissioning Rulemaking

March 15, 2016

Pamela B Cowan

Senior Director, Decommissioning
Exelon Generation



Response to Decommissioning ANPR

- Agree with ANPR objective of increasing efficiency and reducing licensing actions
- Support limited scope, expedited rulemaking
 - Rulemaking scope should be primarily limited to areas where exemptions have been necessary
 - Timing of rule could impact benefit to Oyster Creek
- Support NEI comments on the ANPR
- Until rule is final, NRC should ensure sufficient resources to efficiently review licensing actions

The logo consists of two curved lines, one blue and one green, arching over the company name. The company name is centered and flanked by two horizontal lines, one blue and one green.

ENERGY *SOLUTIONS*

Power Reactor Decommissioning Rulemaking

Gerry van Noordennen

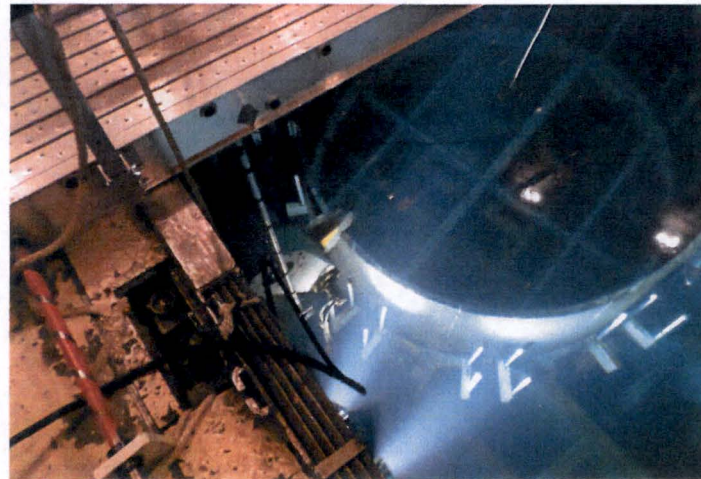
March 15, 2016

Successful Decommissioning Relies On Clear Regulatory Requirements



- **Views**

- Supportive of ensuring the requirements for decommissioning are clear and concise.
- Supportive of reducing the requirement for exemptions
- Very supportive of using the decommissioning funds for legitimate decommissioning activities at operating power plants (stranded large components)



Focus On Areas of Concern for Entire Decommissioning Process



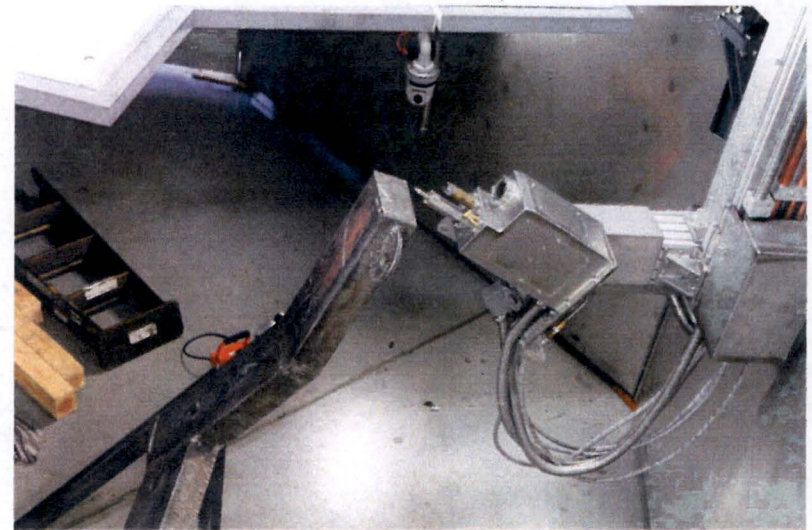
- Examples of Areas of Concern Not Addressed
 - Part 37 Safeguards Requirements for Radioactive Materials of Concern
 - Recordkeeping Requirements for Abandoned Components
 - Need for an Onsite NRC Office



Zion is the Industry Benchmark



- Maintains large Regulatory Margin
- Violations kept to a minimum at low levels
- Responsive to Regulator Needs
- Regulators Consider ES to be knowledgeable and experienced
- Maintain strong communication ties to regulators, industry and public



Reactor Vessel Cutting Head

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.¹

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").²

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."

¹ 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).

² "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.