

CRGR Consultation Briefing: Decommissioning Rulemaking

January 4, 2018; 1:00 pm

PURPOSE/OUTCOME:

- Provide an overview of the decommissioning proposed rule and staff's positions regarding backfitting

PROCESS:

Background and Status:

- SRM-SECY-14-0118 directed the staff to proceed with a power reactor decommissioning rulemaking
- Staff issued an advance notice of proposed rulemaking on 11/19/15 – 162 comment submissions
- Staff issued draft regulatory basis for 90-day public comment on 3/15/17; comment period ended 6/13
 - Received 40 comment submissions; mostly focused on EP, DTFs, current regulatory approach to decommissioning
- Staff revised regulatory basis and provided CA note transmitting regulatory basis to SECY on 10/27/17; 10-day review period ended 11/14/17
- Published FRN announcing regulatory basis on 11/27/17 ([ML17215A010](#))
 - Provided communications plan, EDO daily note, and press release
- Revised preliminary draft regulatory analysis will be published ~ mid-January
- Majority of preliminary proposed rule language complete; WG focused on SOC development – package to begin concurrence mid-January
- Currently, no proposed requirements and associated implementation guidance documents would constitute backfitting or a violation of issue finality

Discussion:

Preliminary Proposed Rule Language

- Please see attached summary table; proposed changes to Parts 20, 26, 50, 51, 52, 72, 73, 140
- The staff reviewed the criteria in SECY-16-0064, Enclosure 1 to determine if a CRGR review is required
 - Based on that review, the staff does not believe that CRGR review is required for the Decommissioning Rulemaking and the associated implementation guidance documents.
- Overarching Philosophy:
 - Provide for an efficient decommissioning process, while maintaining public health and safety; reducing the need for exemptions/amendments as much as possible
 - Address other decommissioning issues as deemed necessary by the staff
 - Use a graded approach to reflect reduction in risk (emergency preparedness, physical security, cyber security, onsite/offsite insurance)
 - Propose new provisions as voluntary alternatives, avoiding backfits

Guidance Documents

- Per CER requirement, any draft guidance necessary to implement the rule must be completed concurrent with the proposed rule
- Currently, 4 draft guidance documents will be issued for comment along with the proposed rule

Next Steps:

- January 2018: Proposed rule package begins concurrence
- April 23, 2018: Proposed rule packages due to OEDO
- May 7, 2018: Proposed rule package due to SECY
- ~Fall 2018: Proposed rule package published for 75-day public comment period (public meeting during this time)
- October 2019: Draft final rule due to SECY