

## U.S. Nuclear Regulatory Commission Public Meeting Summary

January 5, 2016

**Title:** Public Meeting to Discuss Regulatory Improvements for Decommissioning Power Reactors: Advance Notice of Proposed Rulemaking

**Meeting Identifier:** 20151763

**Date of Meeting:** December 9, 2015

**Location:** One White Flint North- Commission hearing room

**Type of Meeting:** Category 3

**Purpose of the Meeting(s):** Discuss advance notice of proposed rulemaking for regulatory improvements for decommissioning power reactors available at [www.regulations.gov](http://www.regulations.gov), Docket ID NRC-2015-0070, and in the Agencywide Documents Access and Management System (ADAMS) under accession number ML15167A010.

**General Details:** Representatives from the public, licensees, the Nuclear Energy Institute (NEI), independent contractors, the Federal Emergency Management Agency (FEMA) and State governments participated in the public meeting in-person, on the phone and via webinar. In total, there were approximately 105 participants in this meeting. A facilitator was used for this meeting to introduce topics and coordinate public comments and questions from the participants in the room, on the phone and on the webinar.

**Summary of Presentations:** The meeting was broken down into specific topical areas that were addressed in the advanced notice of proposed rulemaking (ANPR). The U.S. Nuclear Regulatory Commission (NRC) subject matter experts presented each area and answered questions from participants on the type of response that would be helpful in the development of the regulatory basis for future actions on this rulemaking. An overview of the ANPR emphasized that this is just the very beginning of the rulemaking process and stakeholder feedback on the questions asked in the ANPR is highly valuable to inform the next steps in the process. The NRC staff noted that several requests had been received to extend the ANPR comment deadline beyond January 4, 2016. The staff stated that the NRC is considering the extension requests and any extension would be published in the *Federal Register*. Since the public meeting, the public comment period has extended to March 18, 2016.

The technical presentations began with "Current Regulatory Approach to Decommissioning" which highlighted the NRC's current practices for considering exemptions for decommissioning plants and encouraging stakeholder input in the process. A participant commented that the community-based meetings were a good idea but were often tied too closely to industry efforts.

The next presentation "Decommissioning Trust Fund" regarding the amounts and limitations on the use of a plant's decommissioning trust fund elicited a number of comments from participants. State participants would like to see more of a process and more stakeholder involvement for the NRC processing of requests to use the funds set aside for decommissioning. One participant noted that a congressional proposal links decommissioning funds to Yucca Mountain funds. In the "Certified Fuel Handler Training, Staffing Levels and

Definition of Control Room” presentation, the presenters highlighted the current practice of licensee submission of the certified fuel handler training program and the requirements for adequate staffing during decommissioning. Industry representatives pointed out that the certified fuel handler has many other responsibilities too.

The “Aging Management” presentation discussed the use of the maintenance rule in maintaining the functionality of structures, systems, and components and received no comments or questions from the meeting participants.

There were some comments and questions regarding the “Security and Cybersecurity” questions in the ANPR. One participant suggested that the NRC consider the inclusion of Part 37 in this rulemaking activity (“Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material”). Another participant expressed concern that digital systems and connectivity would be disrupted by beyond-design-basis events.

The “Part 26 and Fitness for Duty” presentation discussed the drug and alcohol testing requirements for employees during the decommissioning process and if rulemaking alternatives should be considered in lieu of requirements.

The main idea presented in the “Backfitting and Issue Finality” presentation was that the ANPR provides the opportunity for feedback if there should be separate backfit and issue finality provisions for decommissioning reactors. There were no questions or comments on this topic.

At this point in the meeting, staff highlighted that the ANPR also includes a generic question meant to capture any stakeholder feedback that doesn’t fall neatly into the other categories. In response, participants specifically mentioned concerns about transportation of spent fuel and the viability of the low level waste compact system.

During the “Emergency Planning” presentation, the staff pointed out that the Commission had directed a tiered approach and that coordination with FEMA for offsite activities should continue. Some State participants expressed concern about the removal of Emergency Planning Zones (EPZs) during decommissioning, the drills/exercises appropriate for this phase and potential degradation of fuel in spent fuel pools. Another participant suggested the NRC expand the rulemaking beyond just the transition.

The presentation of “Onsite and Offsite insurance” noted that the requirements in the regulations discussed the differences between the insurance requirements and how the required insurance levels are adjusted based on the reduced risks at decommissioning reactor sites. The NRC has been processing insurance exemptions at decommissioning reactors since the 1990’s and the ANPR requests feedback on the use of this precedent and the associated technical bases and insurance levels. Additionally, the staff noted that the insurance levels have not been adjusted for inflation.

The “Regulatory Analysis” presentation discussed the types of costs and benefits that staff analyzes and requested quantified estimates of those values as a response to the ANPR. One participant missed the beginning of the meeting and at this point expressed her concern about standardizing the decommissioning process, moving the spent fuel, and the short preparation time before decommissioning a plant.

**Public Participation Themes:** The NRC received many diverse comments and questions from meeting participants. Stakeholders were encouraged to submit these comments and questions in response to the published ANPR so that the NRC could take them under consideration. Many members of the public and State participants expressed a need to have more involvement in the decommissioning process. Industry representatives wanted to see the rulemaking completed more quickly to reduce the number of licensing actions needed during the process. Most stakeholder input was in-scope for the topics covered by this meeting. Out of scope comments were referred to the appropriate NRC personnel.

**Action Items/Next Steps:**

- NRC committed to evaluating the need to extend the public comment period of the ANPR.  
Note: Post-meeting, the ANPR public comment period was extended to March 18, 2016.
- The NRC staff will begin working on the draft regulatory basis document.
- Stakeholders will provide written comments in response to the ANPR.

**Attachments:**

- Meeting Notice (includes agenda) ADAMS ML15306A003
- NRC presentation ADAMS ML15334A304

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**ADAMS Accession No.: ML15362A099 \*via email**

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