

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

October 4, 2022

**Title:** Public Meeting on the “Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning” Rulemaking – Proposed Rule

**Meeting Identifier:** 20220335

**Date of Meeting:** April 19, 2022

**Location:**

U.S. Nuclear Regulatory Commission  
NRC Region II Office, Marquis One Tower  
245 Peachtree Center Avenue, NE  
Conference room: R2-870-45p  
Atlanta, GA

Webinar (via Microsoft Teams)

**Type of Meeting:** Information Meeting with a Question and Answer Session

**Purpose of Meeting:**

The U.S. Nuclear Regulatory Commission (NRC) staff hosted a public meeting to engage with the public regarding the issues discussed in the “Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning” proposed rule and to provide information to help stakeholders prepare formal comments on the proposed rule and draft regulatory guidance.

**General Details:**

The NRC is proposing to amend its regulations related to the decommissioning of production and utilization facilities. The NRC’s goals in amending these regulations are to maintain a safe, effective, and efficient decommissioning process; reduce the need for license amendment requests and exemptions from existing regulations; address other decommissioning issues deemed relevant by the NRC; and support the NRC’s Principles of Good Regulation, including openness, clarity, and reliability.

The Commission directed the NRC staff to proceed with an integrated rulemaking on nuclear power reactor decommissioning to address the following: a graded approach to emergency preparedness, lessons learned from the licensees that have already gone through (or are currently going through) the decommissioning process, the advisability of requiring a licensee’s post-shutdown decommissioning activities report to be approved by the NRC, the appropriateness of maintaining the three existing options for decommissioning and the timeframes associated with those options, the appropriate role of State and local governmental stakeholders in the decommissioning process, and any other issues deemed relevant by the NRC staff.

Rulemaking was initiated in December 2015, and extensive public outreach was conducted, including soliciting comments on an advance notice of proposed rulemaking (ANPR) (80 FR 72358) and a Regulatory Basis document (82 FR 13778). The proposed

rule was published in the *Federal Register* on March 3, 2022 (87 FR 12254) for a 75-day comment period that originally was scheduled to end on May 17, 2022. However, the comment period was extended for a total of 180 days that ended on August 30, 2022. The NRC staff is scheduled to deliver the final rule to the Commission in October 2023, and the estimated publication date of the final rule is May 2024.

Along with the publication of the proposed rule, the NRC staff publicly released supporting and related materials:

- Draft Regulatory Analysis (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22019A132)
- Draft Environmental Assessment (ADAMS Accession No. ML22019A140)
- Draft Supporting Statements for Information Collections (ADAMS Accession No. ML18039A192)
- Unofficial Redline Rule Language for the Proposed Rule (ADAMS Accession No. ML22032A001)

The NRC staff also issued the following guidance documents for public comment in parallel with the proposed rule:

- DG-1346 Rev. 1 (Proposed New RG 1.235) Emergency Planning for Decommissioning Nuclear Power Reactors (ADAMS Accession No. ML21347A046)
- DG-1347 Rev. 1 (Proposed RG 1.184 Rev. 2) Decommissioning of Nuclear Power Reactors (ADAMS Accession No. ML21347A080)
- DG-1348 Rev. 1 (Proposed RG 1.159 Rev. 3) Assuring the Availability of Funds for Decommissioning Production or Utilization Facilities (ADAMS Accession No. ML21347A081)
- DG-1349 Rev. 1 (Proposed RG 1.185 Rev. 2) Standard Format and Content for Post-Shutdown Decommissioning Activities Report (ADAMS Accession No. ML21347A1380)

The meeting consisted of an NRC presentation on the topics covered in the proposed rule and a questions and answers session where the public was invited to pose questions to the NRC to get any needed clarifications on the proposed rule and the supporting and related materials. The meeting was attended by approximately 46 people participating through webinar or in person, including NRC staff and members of the public.

### **Summary of Presentation:**

Steven Smith of the NRC opened the meeting and introduced himself as the meeting facilitator. Mr. Smith described the purpose of the meeting (to provide information to help stakeholders prepare educated comments on the proposed rule and draft regulatory guidance), discussed logistics of the meeting and the meeting agenda, advised participants on the features of the teleconference platform, and informed participants of the public feedback form available on the NRC website. Mr. Smith then introduced Tara Inverso of the NRC to give opening remarks.

Ms. Inverso discussed the NRC's goals for the rulemaking and briefly discussed the important role that public comment has played in the development of the proposed rule, including during the ANPR and later with a draft Regulatory Basis. In addition, Ms. Inverso expressed the desire that the meeting will help the public better understand the proposed rule and encouraged public participation. Ms. Inverso noted that the NRC will not be responding in writing to the comments offered during the meeting, and that formal comments made by the public should be submitted in writing using the methods described in the proposed rule notice.

Mr. Smith then turned the meeting over to Dan Doyle of the NRC, who introduced himself as the Project Manager for the rulemaking. Mr. Doyle noted that the first half of the meeting will be the same material that was presented at the previous three public meetings. Mr. Doyle also explained that through Microsoft Teams members of the public will have the ability to click and open the links on the presentation slides, as well as advance through the presentation slides by clicking on the arrows at the bottom of each slide. Mr. Doyle began the slide presentation by providing an overview of the background and status of the proposed rule. Mr. Doyle noted the public outreach that occurred on the ANPR and the Regulatory Basis and discussed the schedule of the comment period that is currently open. Mr. Doyle displayed the slide with links to key documents and explained that the NRC staff is issuing four guidance documents that are available for public comment. Mr. Doyle then gave a brief overview of the graded approach concept that the NRC staff is using for several technical areas of the proposed rule and then proceeded with the slide presentation, after explaining that the presentation would cover the topics included in the proposed rule.

Mr. Doyle first discussed Emergency Preparedness and then proceeded through the next several topics: Physical Security, Cyber Security, Drug and Alcohol Testing, Certified Fuel Handler Definition and Elimination of the Shift Technical Advisor, Decommissioning Funding Assurance, Offsite and Onsite Financial Protection Requirements and Indemnity Agreements, Environmental Considerations, Record Retention Requirements, Low-Level Waste Transportation, and Spent Fuel Management Planning. Howard Benowitz of the NRC then presented the next several topics, including the Backfit Rule; Foreign Ownership, Control, or Domination; Clarification of Scope of License Termination Plan Requirement; Removal of License Conditions and Withdrawal of Orders; and Changes for Consistent Treatment of Holders of Combined Licenses and Operating Licenses. Mr. Doyle resumed the presentation by discussing the specific requests for comments that are included in the proposed rule. Mr. Doyle then discussed the Regulatory Analysis, providing a brief summary of the costs and benefits of the proposed rule. Mr. Doyle also mentioned that the meeting participants can submit feedback to improve the structure of future public meetings through the NRC Public Meeting Feedback Form, available in the slide presentation and also on the meeting details page and concluded the presentation by discussing next steps for the rulemaking.

### **Public Feedback and Questions:**

After a short break, Mr. Smith resumed the meeting and explained that there would be time for public comments and questions and provided instruction for how members of the public attending via Microsoft Teams could ask questions or offer comments.

While giving time for questions, Mr. Doyle displayed the NRC public website for the rulemaking, as well as the *Federal Register* website. Mr. Doyle pointed out where members of the public can go to submit comments as well as read comments that have been submitted by others. Mr. Doyle advised that it may take a few days for comments to be publicly posted after they are submitted. Mr. Doyle also pointed out the links to the four draft regulatory guides, as well as other useful documents such as the Regulatory Analysis, the Unofficial Redline Rule Language document, and the Environmental Assessment. Mr. Doyle noted that the website also includes additional background documents for the proposed rulemaking.

There were no questions or comments posed by members of the public regarding the proposed rule. One member of the public commented that the QR code for the public meeting feedback form was not working. Mr. Doyle replied that there was an issue with the system, which will be resolved in a day or so.

### **Closing:**

Mr. Doyle made brief closing remarks, including mentioning that participants in the public meeting can submit feedback to improve the structure of future public meetings through the NRC Public Meeting Feedback Form, available in the slide presentation and also on the meeting details page. Mr. Doyle thanked everyone for their time and attention and ended the meeting.

### **Action Items/Next Steps:**

The NRC conducted additional hybrid public meetings on May 4, 2021, and May 9, 2021. The meeting summaries are available in the NRC public meetings website.

### **Related Documents:**

- ML22095A005 – 04/19/2022 – Notice of Public Meeting to Discuss the Proposed Rulemaking on Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning
- ML22108A142 – 04/19/2022 – Public Meeting Presentation by the NRC on the Proposed Rule - Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning
- ML22277A006 – 04/19/2022 – Public meeting transcript for Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning