

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: Public Meeting to Discuss the Proposed Rulemaking on "Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning"

Docket Number: (n/a)

Location: San Luis Obispo, California

Date: Wednesday, May 4, 2022

Work Order No.: NRC-1936

Pages 1-97

**NEAL R. GROSS AND CO., INC.**  
**Court Reporters and Transcribers**  
1716 14th Street, N.W.  
Washington, D.C. 20009  
(202) 234-4433

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

+ + + + +

PUBLIC MEETING TO DISCUSS THE PROPOSED RULEMAKING  
ON "REGULATORY IMPROVEMENTS FOR PRODUCTION AND  
UTILIZATION FACILITIES TRANSITIONING TO  
DECOMMISSIONING"

+ + + + +

WEDNESDAY,  
MAY 4, 2022

+ + + + +

The meeting convened at the Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, San Luis Obispo, California and by video teleconference, at 6:00 p.m. PDT, Brett Klukan and Lance Rakovan, Facilitators, presiding.

PRESENT:

BRETT KLUKAN, Facilitator; Regional Counsel, Region I Office, NRC

LANCE RAKOVAN, PMP, Facilitator; Federal, State & Tribal Liaison Project Manager, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards, NRC

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 JAMES ANDERSON, NRC

2 HOWARD BENOWITZ, Senior Attorney, Reactors & Materials

3 Rulemaking, Office of the General Counsel, NRC

4 DANIEL DOYLE, Senior Project Manager, Division of

5 Rulemaking, Environmental, and Financial

6 Support, Office of Nuclear Material Safety and

7 Safeguards, NRC

8 MAI HENDERSON, Financial Analyst, Division of

9 Rulemaking, Environmental, and Financial

10 Support, Office of Nuclear Material Safety

11 and Safeguards, NRC

12 PATRICIA HOLAHAN, PhD, Special Assistant, Division of

13 Rulemaking, Environmental, and Financial

14 Support, Office of Nuclear Material Safety and

15 Safeguards, NRC

16 ERIC LEE, Senior Cybersecurity Specialist, Division of

17 Physical and Cyber Security Policy, Nuclear

18 Security and Incident Response, NRC

19 DAVE MCINTYRE, Public Affairs Officer, Office of

20 Public Affairs, NRC

21 SCOTT MORRIS, Regional Administrator, Region IV

22 Office, NRC

23 SOLY SOTO LUGO, Division of Rulemaking, Environmental,

24 and Financial Support, Office of Nuclear

25 Material Safety and Safeguards, NRC

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1716 14th STREET, N.W., SUITE 200

WASHINGTON, D.C. 20009-4309

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BRUCE WATSON, CHP, Chief, Reactor Decommissioning  
Branch, Division of Decommissioning Uranium  
Recovery and Waste Programs, Office of Nuclear  
Material Safety and Safeguards, NRC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C-O-N-T-E-N-T-S

	<u>PAGE</u>
Welcome and Logistics.....	5
Opening Remarks.....	9
Background and Status.....	14
Overview of the Proposed Rule.....	17
Tips for Preparing Comments and Next Steps.....	54
Public Feedback and Questions.....	60

## P R O C E E D I N G S

6:01 p.m.

1  
2  
3 MR. KLUKAN: Welcome, everyone, my name is  
4 Brett Klukan, normally I serve as a Regional Counsel  
5 for Region 1 of the U.S. Nuclear Regulatory Commission  
6 or NRC, in short, however, tonight I'll be acting as  
7 the in-person facilitator for this meeting this  
8 evening.

9 In that task, I will be assisted by Lance  
10 Rakovan, who will be virtually facilitating via  
11 Microsoft Teams. This meeting will be a hybrid format  
12 and I'll explain more about that in a minute. Next  
13 slide, please.

14 So, the purpose of the meeting is to  
15 provide information to inform you on the comment  
16 process for the proposed decommissioning rule and  
17 draft regulatory guidance.

18 We will be going through the various ways  
19 you can participate in the commenting process as part  
20 of our presentation this evening.

21 Meeting attendees, whether attending in  
22 person or participating virtually will have an  
23 opportunity to ask questions of the NRC staff.  
24 However, as discussed in the meeting notice, the NRC  
25 is not actively soliciting comments regarding the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 proposed decommissioning rule or any other regulatory  
2 decision at the meeting this evening.

3 Again, the NRC staff will discuss the  
4 different ways in which you can submit formal comments  
5 on the proposed rule. Next slide, please.

6 Here's our agenda for this evening. After  
7 I finish with logistics, we'll have some opening  
8 remarks and then we'll provide our presentations which  
9 will include details on the background and status and  
10 overview of the proposed rule, tips for preparing  
11 comments and next steps.

12 We'll then open the floor to questions.

13 Next slide, please.

14 Some logistics, please note that tonight's  
15 meeting is being recorded and transcribed. We ask  
16 that you help us to get a full clear accounting of the  
17 meeting by staying on mute if you are on the phone or  
18 on Teams and are not speaking.

19 Please keep your electronic device silent  
20 and side discussions to a minimum if you are in the  
21 room. Also, it would help us greatly if all speakers  
22 can identify themselves and any group affiliations  
23 when it is their turn to speak.

24 For your awareness, in addition to the  
25 meeting being recorded this evening, the meeting will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 also be broadcast live on Cable 21, the San Luis  
2 Obispo County Government cable access channel, and  
3 will be later available for streaming on [www.slo-span.org](http://www.slo-span.org).  
4

5 All meeting attendees participating via  
6 Teams are on the phone will have their microphones  
7 muted and cameras disabled during the presentation.  
8 When we get to the Q&A portion of the meeting, those  
9 of you on Teams can use the raise-hand function to let  
10 Lance know you have a question.

11 Those of you on the phone, if you would  
12 like to ask a question, please press star 5. Once the  
13 facilitator, Lance, enables your microphone, you will  
14 then if participating via the phone have to unmute  
15 yourself by pressing star 6.

16 That's star 5 to raise your hand if you're  
17 on the phone and star 6 to actually mute yourself once  
18 Lance has called on you. For those of you attending  
19 in person, there is a signup sheet outside.

20 Given the number of people we have in the  
21 room, I think we can just go with the raise your hand  
22 function and we'll go on a one-to-one, so we'll call  
23 the person in the room and a person participating via  
24 Teams or on the phone and then back and forth for the  
25 sake of simplicity.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1           Please note again the chat feature on  
2 Teams has been disabled. If you are participating  
3 virtually and have trouble seeing the slides or they  
4 are not advancing for you, the slides that will be  
5 shown on the Microsoft Teams screen can also be found  
6 in the NRC Adams Library at ML22118A030.

7           Again, that's ML22118A030. You can also  
8 go to the meeting notice page on the NRC's website and  
9 there's a link to the slides as well there. Finally,  
10 I'm hoping that you will assist us in filling out our  
11 public meeting feedback form.

12           You can link to the public meeting  
13 feedback form from the NRC's public meeting schedule  
14 page for this meeting.

15           Your opinion on how this meeting went,  
16 particularly as the NRC branches out into these  
17 virtual meetings, will greatly help us to improve the  
18 conduct of future meetings and better learn how to  
19 make these meetings work for you.

20           So, please take a moment if you have a  
21 chance to fill out that form. Finally, for those of  
22 you who are in the room with us today, the emergency  
23 exits are directly behind you and the bathrooms are  
24 just further down the hall.

25           Slide 5. I will now turn it over to Trish

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 Holahan, the Special Assistant to the Division of  
2 Rulemaking, Environmental, and Financial Support at  
3 the NRC Office of Nuclear Materials, Safety, and  
4 Safeguards.

5 Trish, I turn it over to you, thank you.

6 DR. HOLAHAN: Good evening, I'm Trish  
7 Holahan, the Special Assistant to the NRC's Division  
8 of Rulemaking, Environmental, and Financial Support,  
9 as Brett indicated.

10 With me at the table today are Scott  
11 Morris, the Region 4 Regional Administrator, Dan  
12 Doyle, the Rulemaking Project Manager, Howard  
13 Benowitz, the NRC Attorney. Also at the table are  
14 Soly Soto Lugo and Jim Anderson.

15 And also in the room is Bruce Watson, the  
16 Branch Chief of the Decommissioning Group, and also  
17 our Public Affairs Officer, Dave McIntyre, is in the  
18 back of the room. Also, there are a number of other  
19 NRC people in attendance via Teams as well.

20 I'd like to thank you for joining us today  
21 to talk about the NRC's decommissioning rulemaking.  
22 The NRC's goal for this rulemaking is to maintain a  
23 safe, effective, and efficient decommissioning  
24 process, incorporate lessons learned from the  
25 decommissioning process, and support the NRC's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 principles of good regulation including openness,  
2 clarity, and reliability.

3 The proposed rule would implement specific  
4 regulatory requirements for different phases of the  
5 decommissioning process consistent with the reduced  
6 risk that occurs over time while continuing to  
7 maintain safety and security.

8 The proposal rule would also incorporate  
9 lessons learned from plants that have recently  
10 transitioned to decommissioning and improve the  
11 effectiveness and efficiency of the regulatory  
12 framework while protecting public health and safety.

13 Public comment has twice played an  
14 important role in the development of this proposed  
15 rule. First of all, when we publish an advanced  
16 notice of proposed rulemaking and later with the draft  
17 regulatory basis.

18 We are seeking public input from the  
19 proposed rule to influence regulations that will guide  
20 future nuclear plant decommissioning. The rule  
21 addresses several regulatory areas which you will hear  
22 about in more detail during the meeting.

23 We hope today's meeting will help you  
24 better understand the proposed rule. We look forward  
25 to your feedback and questions today but please note

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 the NRC will not be responding in writing to verbal  
2 comments provided at the meeting.

3 Comments must be submitted in writing  
4 through the methods described in the Federal Register  
5 notice, which Dan will get into, to receive formal  
6 consideration.

7 This is our fifth public meeting on the  
8 proposed rule. We'll be having one additional meeting  
9 in Massachusetts next week with the option for hybrid  
10 participation again.

11 Please check the NRC's public website for  
12 additional details about that public meeting and for  
13 other resources to help you as you review the proposed  
14 rule.

15 Thank you and now I'll turn it over to  
16 Dan.

17 MR. DOYLE: Thank you, Trish, good  
18 evening, I am Dan Doyle. Before I move ahead with my  
19 remarks, I do see that we have a hand raised on Teams.

20 I just wanted to pause to see if there was an issue  
21 with the presentation or anything.

22 I do see, Stacey Hunter, it looks like you  
23 have your hand raised. We did unmute you, you can go  
24 ahead if you have an issue or if you just wanted to  
25 let us know that you have a question or comment for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 later, that's fine too and we can just come back to  
2 you later.

3 I did see the hand up. Stacey, did you  
4 have something you wanted to raise at this point?

5 MR. RAKOVAN: Actually Stacey, we  
6 deactivated your mic, you're going to have to unmute  
7 yourself to speak.

8 MS. HUNTER: I'm connected through the  
9 Internet and I'm having a lot of trouble hearing the  
10 speakers. I've turned my speakers up to 100 percent  
11 and I can still barely hear you guys. It's even worse  
12 through my earbuds.

13 Is there a way to turn up the volume on  
14 the Internet connection?

15 MR. DOYLE: We did, I just got an  
16 indication from our tech here that he did turn it up.

17 If it doesn't sound good still, then you may try  
18 connecting with a different device or dialing in using  
19 the phone number.

20 So, there is a phone number if you go to  
21 the NRC public website where you got the link for this  
22 meeting, then the sound will be there.

23 MS. HUNTER: Actually, it is sounding  
24 better already.

25 MR. DOYLE: Moving ahead, I'm Dan Doyle,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 welcome everyone, thank you for attending. I just  
2 wanted to point out as Trish mentioned, this is our  
3 fifth public meeting.

4 If you had attended any of the previous  
5 meetings, just please note the first half of this  
6 meeting is the NRC staff presentations and is the same  
7 material that we've covered previously.

8 So, we have this meeting scheduled for two  
9 hours. The first hour is NRC staff presentation to go  
10 over the topics in the rule and some other information  
11 about the rulemaking and the process and the schedule.

12 That would be the same. And then we'll  
13 open it up for question and answers for the rest of  
14 the time.

15 One final note about Microsoft Teams for  
16 those of you who are connected using Microsoft Teams  
17 through the Internet, underneath the slides you should  
18 see arrows that would allow you to move forward and  
19 backwards, and also, you should be able to click any  
20 of the links on the slides.

21 So, I just wanted to point out that  
22 clicking those arrows only affects your view, it  
23 doesn't affect anyone else, and you should be able to  
24 click back to join where we are with the main  
25 presentation.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           If you click up from where we are you  
2 should see a slide to join back when you're done.  
3 Next slide, please.

4           I will go ahead with some background and  
5 status for the rulemaking. A very brief background,  
6 there was an increase in nuclear power-plant shutdowns  
7 that focused the NRC's attention on making some  
8 changes to the regulations related to decommissioning.

9           We initiated the rulemaking in December of  
10 2015 to explore changes related to that process.  
11 We've already completed some extensive public  
12 outreach, we solicited early comments on an advanced  
13 notice of proposed rulemaking.

14           We also issued a regulatory basis  
15 document, we had public comment periods on both of  
16 those and also public meetings and we have information  
17 about both of those early outreach efforts on our  
18 public website, which I will be showing a little bit  
19 later.

20           The recent update and the reason we're  
21 having this meeting today is because we published a  
22 proposed rule in the Federal Register on March 3rd,  
23 2022, the citation is on the slide, it's 87 FR 12254.

24           So, we are in the public comment period  
25 for the proposed rule right now. I would also like to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 point out that we received a request to extend the  
2 comment period from 75 days to 180 days.

3 The NRC will be granting the request. The  
4 new deadline for comments will be August 30, 2022, the  
5 Federal Register notice, which is the official notice  
6 about that extension, should be published probably  
7 next week, and we will update the website with a link  
8 to that notice.

9 Next slide, please. For convenience, we  
10 have two slides that list all of the key documents  
11 associated with this proposed rule with links to  
12 access them directly. And by the way, for those of  
13 you in the room, if you wanted to get a copy of these  
14 slides, it is on our website.

15 There's a meeting notice for this meeting  
16 which has the link to the slides and then also our  
17 website has a link to the slides. If you have any  
18 trouble finding that you can shoot me an email or just  
19 talk to me and I'll make sure you get a copy.

20 This is the first slide. We have the  
21 citation for the proposed rule with links to both the  
22 web version and a printed version of the proposed  
23 rule. We also have supporting and related material.

24 So, there's a draft regulatory analysis  
25 that discusses the costs and benefits associated with

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1 this action, a draft environmental assessment for  
2 compliance with the National Environmental Policy Act,  
3 and draft supporting statements for information  
4 collections.

5 We are proposing changes to some  
6 information collection requirements in this rule, and  
7 we have those discussed in the supporting statements  
8 for compliance with the Paperwork Reduction Act.

9 We also have an additional document that's  
10 listed here on the slide, the unofficial red-line rule  
11 text.

12 I will have a slide highlighting that  
13 later but just to point out, that document shows how  
14 the proposed rule would modify the current rule  
15 language in a red-line strike-out format, in other  
16 words, what are new words that would be inserted and  
17 what would be deleted from the Code of Federal  
18 Regulations if the proposed rule were to be adopted as  
19 proposed.

20 Hopefully the title makes that clear, that  
21 is not the official legal version of the rule text.  
22 The official version is what is published in the  
23 Federal Register but it may be helpful, please do not  
24 rely on that for your public comment.

25 Next slide, please. We're also updating

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 four guidance documents as part of this rulemaking.  
2 They're available for public comment as well, they're  
3 listed here on the slide.

4 The first one would be a new regulatory  
5 guide and the other three are updates to existing  
6 regulatory guides. The first one, Draft Guide 1346,  
7 is related to emergency planning for decommissioning  
8 nuclear power-plants.

9 The second one, Draft 1347, would be an  
10 update to Regulatory Guide 1.184, decommissioning  
11 nuclear power-plants. The next one, Draft Guide 1348,  
12 would be an update to Regulatory Guide 1.159,  
13 availability of funds for decommissioning, production  
14 utilization facilities.

15 And the last one on the left, Draft Guide  
16 1341, would be an update to Regulatory Guide 1.185,  
17 standard format and content for post-shutdown  
18 decommissioning activities report.

19 These four documents are also out for  
20 public comment right now. If you have comments on the  
21 rule or the guidance or both, please submit that  
22 altogether in the same document. It all goes to the  
23 same place and will be reviewed and responded to  
24 together.

25 Next slide. And moving onto Slide 12,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 graded approach. The proposed rule takes what we call  
2 a graded approach to decommissioning where different  
3 levels of requirements would apply at different stages  
4 of the decommissioning process.

5 We tried to convey that on this slide.  
6 Across the top of the table are the four levels that  
7 we've used in the proposed rule as the facility goes  
8 through the decommissioning process. Level 1 begins  
9 after the facility docket the two required  
10 certifications.

11 One is for permanent cessation of  
12 operations and the other is that fuel has been removed  
13 from the reactor vessel.

14 Level 2 is after a period of sufficient  
15 decay of the spent fuel, which would generically be 10  
16 months for a boiling water reactor or 16 months for a  
17 pressurized water reactor if they meet the criteria in  
18 the proposed rule.

19 And Level 3 would be when all fuel is in  
20 dry cask storage. And Level 4 would be when all fuel  
21 is offsite. The rows in this table show the topic  
22 areas that have updates requirements linked to these  
23 levels.

24 Emergency preparedness would use all four  
25 levels starting with the post-shutdown emergency plan

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 in Level 1 through Level 4, where there is no longer a  
2 need for an onsite radiological emergency response  
3 plan because all fuel is offsite.

4 Other topic areas that use a graded  
5 approach include physical security, cybersecurity, and  
6 onsite, offsite insurance. Next slide, please.

7 We are on Slide 13, emergency  
8 preparedness, this is the first of the topic slides.  
9 So, for each of the topic slides, you'll see a summary  
10 of the proposed changes related to that topic.

11 The box in the upper right corner  
12 identifies the section in the proposed rule where we  
13 have a more detailed discussion of the topic as well  
14 as the page numbers, and we've also listed all of the  
15 sections in the CFR, the Code of Federal Regulations,  
16 that would be changed related to this topic.

17 Where it says specific request for comment  
18 on each slide, we will mention if there's any  
19 questions related to this topic in Section V of the  
20 proposed rule where the NRC included questions for the  
21 public to consider.

22 And then at the bottom of the slide, we  
23 also have additional information if there's anything  
24 else we wanted to bring to your attention for the  
25 topic.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           And then on the very bottom there's a  
2 progress bar showing which topic we're on and which  
3 ones are coming up in case there was something you  
4 want to see or pay particular attention to.

5           Moving onto emergency preparedness,  
6 because the current regulations do not provide a means  
7 to distinguish between the emergency preparedness  
8 requirements that apply to an operating reactor and  
9 those that are applied to a reactor that has  
10 permanently ceased operations, decommissioning  
11 licensees have historically requested exemptions from  
12 EP requirements.

13           The proposed rule would provide common EP  
14 requirements for reactors and decommissioning,  
15 eliminating the need for specific exemptions or  
16 license amendments.

17           Because of the decreased risk of offsite  
18 radiological release and fewer types of possible  
19 accidents that can occur at a decommissioning reactor,  
20 the proposed EP requirements align with that reduction  
21 in risk while maintaining safety.

22           What are we proposing? We would be adding  
23 a new section, 10 CFR 50.200, which would provide  
24 planning standards and requirements for post-shutdown  
25 and permanently defueled emergency plans.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           The proposed standards and requirements  
2 for emergency plans are consistent with the levels of  
3 planning that the Commission has previously approved  
4 for decommissioned facilities.

5           The proposed planning requirements also  
6 ensure close coordination and training with offsite  
7 response organizations is maintained throughout the  
8 decommissioning process.

9           The NRC is also proposing to amend 10 CFR  
10 50.54(q) to provide licensees with the option to use  
11 the tiered requirements and standards as the  
12 appropriate time and decommissioning, and to add a new  
13 process by which licensees can make changes to the  
14 emergency plans to transition between levels.

15           There are a few related questions that we  
16 are specifically asking for comments about.

17           The first one is that we would like to  
18 know what you see as the advantages and disadvantages  
19 of requiring dedicated radiological emergency  
20 planning, including a 10-mile emergency planning zone,  
21 until all spent nuclear fuel at the site is removed  
22 from the spent fuel pool and placed in dry cask  
23 storage.

24           Is there additional information the NRC  
25 should consider in evaluating whether all hazards

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 planning would be as effective as dedicated  
2 radiological emergency planning?

3 The NRC has determined that 10 hours would  
4 be a sufficient amount of time for an emergency  
5 response to a spent fuel pool accident based on an  
6 all-hazards plan. Is there additional information  
7 that the NRC should consider in evaluating this issue?

8 And then the second question is about the  
9 emergency response data system. So, nuclear power  
10 facilities that are shutdown permanently or  
11 indefinitely are currently not required to maintain  
12 this emergency response data system.

13 The systems transmit near real-time  
14 electronic data between the licensees' onsite computer  
15 system and the NRC operations center.

16 Licensees in Level 1 would maintain a  
17 capability to provide meteorological, radiological,  
18 and spent fuel pool data to the NRC within a  
19 reasonable timeframe following an event.

20 What are the advantages and disadvantages  
21 of requiring nuclear power-plant licensees to maintain  
22 those aspects of the emergency response data system  
23 until all spent fuel is removed from the site? And  
24 then guidance.

25 We have developed guidance corresponding

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 to the proposed rule of changes. We have proposed a  
2 new regulatory guide, emergency planning for  
3 decommissioning nuclear power reactors Draft Guide  
4 1346, that's out for comment as part of the proposed  
5 rule.

6 The NRC staff believes these changes will  
7 establish EP requirements commensurate with the  
8 reduction in radiological risk as licensees proceed  
9 through the decommissioning process will continuing to  
10 provide reasonable assurance that protected actions  
11 can and will be taken, and maintaining EP as a final  
12 independent layer of defense in-depth.

13 There are 16 of these topic slides, by the  
14 way, and I'll be covering some of them and Howard  
15 Benowitz will be covering some of the other ones.  
16 Next slide, please. I will turn it over Howard for  
17 discussion of the backfit rule.

18 MR. BENOWITZ: Thanks, Dan, and good  
19 evening, everyone.

20 The NRC's backfit rule is found in Part 50  
21 of our regulations, specifically Section 50.109. In  
22 this proposed rule, we are proposing to provide a new  
23 backfitting provision for nuclear power reactor  
24 licensees that are in decommissioning.

25 The proposed rule would re-number the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1 paragraphs of the current Section 50.109 so that  
2 Section 50.109(a) would be the current backfitting  
3 provision and a new Section 50.109(b) would be the new  
4 rule text for decommissioning nuclear power reactor  
5 licensees.

6 The NRC is also proposing edits to the  
7 backfitting provision in Part 72 of our regulations so  
8 that backfitting provision would apply during the  
9 decommissioning of a monitored retrievable storage  
10 facility for an independent spent fuel storage  
11 installation, also known by its abbreviated of ISFSI.

12 The proposed rule would also revise the  
13 requirement that the NRC must consider the cost of  
14 imposing a backfit if the basis for the backfitting is  
15 the compliance exception to the requirement that we  
16 perform a backfit analysis.

17 The backfit analysis is the default  
18 justification for backfitting but there are exceptions  
19 and one of them is known as the compliance exception.  
20 This proposed change is based on a 2019 update to the  
21 Commission's backfitting policy, which is in the NRC's  
22 Management Directive 8.4

23 And in the proposed rule FRN, Federal  
24 Register Notice, we do include a specific request for  
25 comment regarding this change and that is whether the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 backfit rule should be applied during decommissioning.

2 Next slide, please. We received a  
3 question in the room of what is a backfit? That's a  
4 great question.

5 Backfitting, at least in the context of  
6 the NRC, is a requirement in our regulations that  
7 actually applies to the NRC, both to the Commission  
8 and to the NRC staff.

9 And essentially, it means that when we  
10 have issued an approval, it could be a license, a  
11 permit, we cannot change that approval without meeting  
12 certain criteria that are in the backfit rule in  
13 Section 50.109 of our regulations.

14 And that's for power reactors, the one in  
15 Section 50.109. We also had similar provisions in  
16 Part 70 of our regulations, which applies to fuel  
17 cycle facilities in Part 72, as I mentioned, and in  
18 Part 76.

19 But essentially, we can't change the rules  
20 after the game has begun. We issue you an approval,  
21 you have a reasonable reliance on that approval that  
22 we're not going to change it and you can act on it.

23 And so if we are going to change it, then  
24 we have to meet certain criteria and justify it. And  
25 so right now, as explained in the Federal Register

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 Notice of the proposed rule, it's not clear whether or  
2 not that provision applies during decommissioning.

3 There is precedent from the Commission  
4 saying there is but we're proposing to make it very  
5 clear in the regulations itself that it would apply  
6 during decommissioning.

7 Dan?

8 MR. DOYLE: Thank you, Howard, we're on  
9 Slide 15 for environmental considerations. The  
10 proposed rule clarified various evolution reporting  
11 requirements including those related to the content of  
12 the post-shutdown decommissioning activities report,  
13 or PSDAR.

14 In part, the proposed rule change would  
15 clarify that licensees at the PSDAR stage are required  
16 to evaluate the environmental impacts from  
17 decommissioning and provide in the PSDAR the basis for  
18 whether the proposed decommissioning activities are  
19 bounded by previously issued, site-specific or generic  
20 environmental reviews.

21 The Commissioners provided additional  
22 direction in the staff requirements memorandum that  
23 was issued back in November 2021 with respect to the  
24 consideration of any identified unbounded impacts.

25 The rule changes would allow licensees to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 use appropriate federally issued environmental review  
2 documents prepared in compliance with the Endangered  
3 Species Act, the National Historic Preservation Act,  
4 and other environmental statutes rather than just  
5 environmental impact statements.

6 The rule would also remove language  
7 referencing amendments for authorizing decommissioning  
8 activities in 10 CFR Part 51.

9 In developing the original proposed rule,  
10 the NRC staff considered but dismissed a proposal that  
11 the NRC staff approved each licensee's PSDAR -- that  
12 is not in the proposed rule -- before allowing major  
13 decommissioning activities to begin.

14 This decision was based on that requiring  
15 approval of a PSDAR would have no additional benefit  
16 in terms of public health and safety, however, we are  
17 including specific requests for comment about whether  
18 the NRC should require approval by the NRC of the  
19 PSDAR site-specific environmental review and the  
20 hearing opportunity before undertaking any  
21 decommissioning activities.

22 Other than NRC review and approval of the  
23 PSDAR, are there other activities that could help to  
24 increase transparency and public trust in the NRC's  
25 regulatory framework for decommissioning?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           Should the rule provide a role for a state  
2           and local government in the process and what should  
3           that role be? We do have two Regulatory Guides  
4           related to PSDARs that were revised to include  
5           clarifying language consistent with the rule changes.

6           Those are listed on the bottom of the  
7           slide and another item we wanted to bring to your  
8           attention related to this topic is that there is a  
9           decommissioning generic environmental impact  
10          statement, or GEIS, that will be updated separately in  
11          the future by the NRC.

12          That's not a direct part of this action  
13          but that is something the NRC is planning to update in  
14          the future. Next slide. Slide 16, back to Howard.

15          MR. BENOWITZ: On this slide we talk about  
16          license termination plans. In this proposed rule, the  
17          NRC would clarify that our provisions in 10 CFR for  
18          regulations Section 50.82 and 52.110.

19          Those are the license termination  
20          requirements that they do not apply before fuel has  
21          been loaded into a reactor. This is consistent with  
22          our historical practice.

23          These license termination provisions are  
24          written for reactors that have commenced operations  
25          and the NRC has historically viewed operations as the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 point beginning when the loading of fuel into the  
2 reactor.

3 This precedent is discussed in the Federal  
4 Register notice. The NRC is proposing this change  
5 because there has been some confusion regarding  
6 Section 52.110 and whether it was applicable.

7 We had a few of our combined license  
8 holders a few years ago who sought to terminate their  
9 licenses during the construction or before  
10 construction had even begun.

11 The NRC informed them that provision  
12 52.110 did not apply for the reasons that are  
13 explained in the Federal Register notice. This is a  
14 clarification of the two provisions.

15 The Section 52.82 applies to our Part 50  
16 licensees and Section 52.110 applies to Part 52  
17 license. And there are no requests for comments on  
18 that one, specific requests for comments, but we  
19 always encourage comments on the proposed rule  
20 language.

21 Next slide, please. This is Slide 17,  
22 decommissioning funding assurance. We do have two  
23 slides on this topic, this is the first one, a summary  
24 of the changes.

25 The proposed rule modifies the biannual

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 decommissioning trust fund reporting frequency for  
2 operating reactors in 10 CFR 50.75 to be consistent  
3 with the three-year reporting frequency for  
4 independent spent fuel storage installations or  
5 ISFSIs, for making two changes related to independent  
6 spent fuel storage installation funding reports.

7 One is that would allow licensees to  
8 combine the reports required by the regulations listed  
9 on the slide, 50.82(a)(8)(v), (8)(vii), and 10 CFR  
10 72.30.

11 The other related change is the proposed  
12 rule would remove the requirement for NRC approval of  
13 the report filed under 10 CFR 72.30(c).

14 The proposed rule would clarify that when  
15 a licensee identifies a shortfall in the report  
16 required by 50.75(f)(1), the licensee must obtain  
17 additional financial assurance to cover the shortfall  
18 and discuss that information in the next report.

19 And then the final item to highlight on  
20 this topic, the proposed rule would make  
21 administrative changes to ensure consistency with  
22 50.4, written communications regarding the submission  
23 of notification and to eliminate 50.75(f)(2) because  
24 Paragraph (f)(1) fully encompasses (f)(2).

25 Next slide, please. Slide 18, continuing

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 the same topic, we do have several specific questions  
2 or specific requests for comment on this topic, so I'm  
3 just going to summarize those briefly.

4 Financial assurance, what are the  
5 advantages and disadvantages of updating the formula  
6 to reflect recent data and to cover all estimated  
7 radiological decommissioning costs rather than the  
8 bulk of the costs.

9 The site-specific cost analysis, what are  
10 the advantages and disadvantages of requiring a full  
11 site investigation and characterization of the time of  
12 shutdown and eliminating the formula and requiring the  
13 site of the cost estimate during operations?

14 Decommissioning trust fund, we have a  
15 question about that.

16 Should the NRC's regulation allow  
17 decommissioning trust fund assets to be used for spent  
18 fuel management if there is a projected surplus in the  
19 fund based on a comparison of the expected cost  
20 identified in the site-specific cost estimate.

21 And the assets are returned to the fund  
22 within an established period of time. What are the  
23 advantages and disadvantages of allowing  
24 decommissioning trust fund assets to be used for those  
25 purposes?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1           And what would be the advantages and  
2           disadvantages of allowing the trust fund assets to be  
3           used for non-radiological site restoration prior to  
4           the completion of radiological decommissioning?

5           The timing of decommissioning fund  
6           assurance reporting. What are the advantages and  
7           disadvantages of extending the reporting frequency  
8           from two to three years? Does the change affect the  
9           risk of insufficient funding?

10           And then finally, identical requirements  
11           under 50.82 and 52.110. Besides proposing conforming  
12           changes to 10 CFR Part 52, the NRC is asking whether  
13           we should maintain identical requirements in Part  
14           52.110 and 50.82, which we do today.

15           We are also proposing conforming changes  
16           to a Regulatory Guide, 1.159, which is about assuring  
17           the availability of funds. Next slide, please, Slide  
18           19, I have that one. This is about offsite and onsite  
19           financial protection requirements and indemnity  
20           agreements.

21           The changes would provide regulatory  
22           certainty by minimizing the need for licensees of  
23           decommissioning reactors to request regulatory  
24           exemptions for relief from requirements that should  
25           apply only to operating reactor licensees.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           We do have two specific requests for  
2 comment on this topic so the first one, what are the  
3 advantages and disadvantages of requiring the existing  
4 level of assurance to be maintained until all spent  
5 fuel is in dry cask storage or Level 3 in the graded  
6 approach?

7           And then the other question is about  
8 insurance for specific license ISFSIs.

9           The NRC recognizes that as a reactor site  
10 is decommissioned, eventually all that remains of the  
11 Part 50 or Part 52 licensed site is a general licensed  
12 ISFSI under 10 CFR Part 72, which is essentially the  
13 same as the specific license, ISFSI, under 10 CFR Part  
14 72.

15           So, considering that Part 72 specific  
16 license ISFSIs have no financial protection  
17 requirements, should the NRC address the disparity  
18 between specific licenses and general licenses to  
19 ISFSI as part of this rulemaking?

20           Please provide an explanation for your  
21 response. Next slide, please. Slide 20. Back to  
22 Howard.

23           MR. BENOWITZ: As you can see, Slide 20 is  
24 about foreign ownership control or domination but it's  
25 also about what is the production or utilization

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 facility? The Atomic Energy Act and the NRC's  
2 regulations provide definitions for utilization  
3 facility and production facility.

4 Additionally, certain of the provisions of  
5 the Atomic Energy Act and our regulations, including a  
6 provision regarding foreign ownership control or  
7 domination, apply only to a utilization or a  
8 production facility.

9 During decommissioning activities, a  
10 utilization facility or production facility will be  
11 dismantled to the point where it no longer meets the  
12 definition of utilization facility or production  
13 facility.

14 The proposed rule would add language to  
15 establish the criteria for when exactly a utilization  
16 facility or production facility is no longer a  
17 utilization facility or production facility.

18 The proposed rule also has language to  
19 affirm that. Despite the fact that the facility would  
20 no longer meet the definition, the NRC would continue  
21 to have statutory authority over that licensee,  
22 whether it's under Part 50 or 52 as a nuclear power  
23 reactor.

24 And the NRC regulations applicable to  
25 utilization or production facilities would continue to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 apply to the holder of that license unless the  
2 regulations specifically state otherwise.

3 And the proposed rule identifies one such  
4 regulation.

5 The proposed rule would amend the foreign  
6 ownership control or domination prohibition to state  
7 that it no longer applies once a Part 50 or 52  
8 facility is no longer a utilization or production  
9 facility due to the decommissioning and dismantling of  
10 the facility.

11 Therefore, the NRC's regulations would not  
12 prohibit the transfer of a Part 50 or Part 52 license  
13 for a facility that is no longer a utilization or  
14 production facility to a foreign-owned controlled or  
15 dominated entity.

16 And we are not asking for specific  
17 requests for comments on that but of course, we would  
18 encourage you to provide comments if you have any.  
19 Both on the proposed change to Section 50.38 and to  
20 the whole production utilization facility proposal.

21 Next slide, please.

22 Slide 21 is about physical security. The  
23 proposed rule would allow certain changes to eliminate  
24 licensee requests for approval via exemptions,  
25 amendments, and for certain adjustments to their

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 physical security programs.

2 Current security requirements do not  
3 reflect the reduced risk for a decommissioning  
4 facility after a fuel is removed from the reactor  
5 vessel.

6 When the fuel is transferred into a spent  
7 fuel pool, the amount of plant equipment that is  
8 relied on for a safe operations facility is  
9 significantly reduced which allows for certain  
10 security measures to be eliminated because their  
11 implementation is no longer needed, or the security  
12 measures can be adjusted for the physical protection  
13 program during decommissioning.

14 Because certain security measures can be  
15 adjusted or no longer are necessary for  
16 decommissioning, commonly requested exemptions and  
17 amendments have been submitted by licensees to address  
18 this new posture.

19 For example, the control room is  
20 specifically identified in current security  
21 requirements as an area that must be protected as a  
22 vital area.

23 The proposed rule would potentially  
24 eliminate the need to identify the control room as a  
25 vital area when all vital equipment is removed from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 the control room and when the area does not act as a  
2 vital area boundary for other vital areas.

3 Also, current security regulations for  
4 power reactor licensee require the use of a licensed  
5 senior operator for the suspension of security  
6 measures during emergencies. For permanently shutdown  
7 and defueled reactors, licensed senior operators are  
8 no longer required.

9 The proposed rule would allow certified  
10 fuel handlers to be used to suspend security measures  
11 during emergencies at a decommissioning facility. And  
12 lastly, to eliminate the need for a submission of  
13 license amendments and exemptions for licensee  
14 transition to ISFSIs.

15 The NRC is proposing that once all spent  
16 nuclear fuel has been placed in dry cask storage,  
17 licensees may elect to protect a general license ISFSI  
18 in accordance with the physical security requirements  
19 that are consistent with Part 72, Subpart H, and 10  
20 CFR 73.51.

21 Licensees would continue to address the  
22 applicable security-related orders associated with an  
23 ISFSI that are conditions of the license. Next slide,  
24 please. Slide 22 is about cyber security.

25 Consistent with the graded approach, the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 proposed rule would continue to apply cybersecurity  
2 requirements to decommissioning plants until the risk  
3 to public health and safety is significantly reduced.

4 So, specifically, the cybersecurity  
5 requirement would be applicable through Level 2, which  
6 is after a period of sufficient cooling as discussed  
7 previously.

8 Under the proposed rule, the power reactor  
9 licensees under Part 50 and Part 52 would be subject  
10 to the same requirement.

11 So, for Part 50 licensees the proposed  
12 rule would remove the license conditions that requires  
13 licensees to maintain their cybersecurity plan and for  
14 Part 52, combined license holders for the proposed  
15 rule would extend the requirement to maintain a  
16 cybersecurity plan during decommissioning, which would  
17 be a new requirement.

18 So, the purpose of those changes is to  
19 make both types of facilities have the same  
20 requirement.

21 For currently operating or recently  
22 shutdown Part 50 reactor licensees, because the  
23 licensee's cybersecurity plan is included as a license  
24 condition, the license condition to maintain a  
25 cybersecurity program per their cybersecurity plan

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 remains in effect until the termination of a license  
2 or the NRC removes the condition from the license.

3 For example, if a licensee submits a  
4 license amendment request and the NRC approved it.

5 Therefore, the proposed rule would not  
6 constitute backfitting, as Howard was explaining  
7 earlier, because the proposed rule would codify the  
8 already-imposed requirement of the cybersecurity plan  
9 license condition during Level 1 of decommissioning or  
10 until the spent fuel in the spent fuel pool has cooled  
11 sufficiently.

12 So, this is not the case for combined  
13 license holders. The proposed rule would constitute a  
14 new requirement because the operational program, such  
15 as a security program that includes a cybersecurity  
16 program are requirements in the regulations and are  
17 not separately identified as license conditions as  
18 they are for the Part 50 licensees.

19 Presently, combined license holders are  
20 required to maintain a cybersecurity program only as  
21 long as 10 CFR 73.54 is applicable to them.

22 This means that combined license holders  
23 are not required to maintain their cybersecurity  
24 program during decommissioning between power reactor  
25 licensee is not authorized to operate the nuclear

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1 power reactor during decommissioning.

2 We do have a specific request for comment  
3 from this topic. The proposed rule applies the  
4 cybersecurity requirements to plants that are in Level  
5 1 of the graded approach.

6 However, a licensee in Level 2 would not  
7 be required to maintain the cybersecurity plan because  
8 the NRC has determined there is little chance that the  
9 spent fuel in the spent fuel pool could heat up to a  
10 clad ignition temperature within 10 hours.

11 What are the advantages and disadvantages  
12 of extending cybersecurity requirements to shut down  
13 nuclear power-plants until all spent fuel is  
14 transferred to dry cask storage?

15 And then additional information, we wanted  
16 to point out that the change in 10 CFR 73.54 is  
17 identified in the proposed rule as a change affecting  
18 issue finality for Part 52 combined license holders,  
19 as defined in 52.98.

20 So, therefore, the proposed rule includes  
21 a backfit analysis in Section IX.D. Next slide,  
22 please.

23 We're on Slide 23, drug and alcohol  
24 testing. The proposed rule would make several changes  
25 related to requirements for drug and alcohol testing.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 There are three that I'd like to highlight for this  
2 topic.

3 The first one, for Part 26, which is  
4 related to requirements for fitness for duty, the  
5 proposed rule would amend 10 CFR 26.3 scope to correct  
6 an inconsistency in the applicability of Part 26, Part  
7 50, and Part 52 license holders of nuclear power  
8 reactors.

9 Part 26 does not apply to a Part 50  
10 license holder once the NRC docket the licensee's  
11 50.82(a)(1) certification that the power reactor has  
12 permanently ceased operations, which formally begins  
13 the decommissioning process.

14 However, Part 26 continues to apply to the  
15 holder of a combined license issued under Part 52  
16 throughout decommissioning. There's no technical  
17 basis for this inconsistency.

18 The staff is proposing this in the  
19 proposed rule.

20 Section 26.3 would be revised to specify  
21 that Part 26 also no longer applies to a Part 52  
22 license holder once the NRC docket licensee's  
23 52.110(a) certification that the power reactor has  
24 permanently ceased operation.

25 The second item in this topic is Part 26

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 related to criminal penalties.

2 Section 26.3 includes a substantive  
3 requirement for certain entities to comply with the  
4 requirements in 10 CFR Part 26 by a specific deadline  
5 and violations of the regulation should be subject to  
6 criminal penalties.

7 Specific deadlines in 26.3(a) were added  
8 in a 2008 Part 26 final rule but Section 26.825(b) was  
9 not updated to reflect this change, which was an  
10 oversight.

11 Therefore, the proposed rule would remove  
12 26.3 from the list of the provisions that are not  
13 subject to criminal penalties if violated in Section  
14 26.825(b).

15 The final item on this topic is related to  
16 an insider mitigation program, Section  
17 73.55(b)(9)(ii)(B) requires that a licensee's insider  
18 mitigation program contain elements of fitness for  
19 duty program described under Part 26 but does not  
20 identify which fitness for duty program elements must  
21 be included in the insider mitigation program.

22 The proposed rule would establish the  
23 required elements of the fitness for duty program in  
24 the insider mitigation program for operating and  
25 decommissioning reactors under Part 50 and 52.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1                   Next slide, please. Slide 24, back to  
2                   Howard.

3                   MR. BENOWITZ: Slide 24 concerns the  
4                   removal of license conditions and withdrawal of an  
5                   order. We are proposing these actions because the  
6                   order and license conditions are substantively  
7                   redundant with existing provisions in our regulations.

8                   The order that we're proposing to withdraw  
9                   is Order EA 06-137 concerning mitigation strategies  
10                  for large fires or explosions at nuclear power-plants.  
11                  This order was issued after events of 9/11.

12                  The license conditions are the conditions  
13                  associated with that order but also another post-9/11  
14                  order, Order EA-02-026, plus the cybersecurity license  
15                  conditions that Dan was just talking about.

16                  The license conditions that we would  
17                  remove through this rulemaking would be removed by  
18                  what we call administrative license amendments. That  
19                  means the NRC staff would take the initiative of  
20                  issuing license amendments.

21                  Typically, what happens is the licensee  
22                  requests approval for a license amendment and submits  
23                  a request to the NRC. We review it and if it meets  
24                  the criteria, we approve it.

25                  In this case, the NRC staff would issue

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1       them without having a licensee applying for that  
2       amendment. We do include in this Federal Register  
3       notice a specific request for comment.

4               We are interested if there are other  
5       orders or license conditions that also could be  
6       removed or withdrawn if they are substantively  
7       redundant with our existing regulations.

8               Next slide, please. Fuel management, Dan?

9               MR. DOYLE: Spent fuel management, the NRC  
10       staff identified ambiguity in the spent fuel  
11       management and decommissioning regulations due to a  
12       lack of cross-referencing between Part 72 and Part 50.

13       The rulemaking clarifies the information for  
14       consistency.

15               Specifically, the regulation in 72.218  
16       states that 50.54(bb) spent fuel management program,  
17       the irradiated fuel management plan, or IFMP, must  
18       show how the spent fuel will be managed before  
19       starting to decommission systems and components needed  
20       for removing, unloading, and shipping the spent fuel.

21               Section 72.218 also requires that an  
22       application for termination of a reactor-operating  
23       license submitted under 50.82 or 52.110 must also  
24       describe how the spent fuel stored under the Part 72  
25       general license will be removed from the reactor site.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           Although 72.218 states what information  
2 must be included in these Part 50 documents, the  
3 corresponding regulations in Part 50 do not contain  
4 this information.

5           Therefore, the NRC proposes to clarify and  
6 align the regulations in 50.54(bb), 50.82, 52.110, and  
7 72.218 to ensure that appropriate documentation of  
8 spent fuel management plans and decommissioning plans.

9           What are we proposing?

10          The NRC proposes moving the 72.218  
11 provision to 50.54(bb) to clarify that the IFMP must  
12 be submitted and approved before the licensee starts  
13 to decommission systems structures and components  
14 needed for moving, unloading, and shipping the spent  
15 fuel.

16          The NRC proposes to clarify the current  
17 IFMP approval process and the 50.54(bb) provisions  
18 regarding preliminary approval and final NRC review of  
19 the IFMP as part of any proceeding for continued  
20 licensing under Part 50 or 72, as these proceedings no  
21 longer exist as they did when the 50.54(bb) regulation  
22 was first promulgated. The NRC proposes to require  
23 submittal of the initial IFMP and any subsequent  
24 changes to the IFMP as a license amendment request.

25          Changes to 72.218. We're proposing to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 revise 72.218 to a draft requirement related to  
2 decommissioning and termination of the Part 72 general  
3 license as the current title of 72.218, "Termination  
4 of licenses" suggests.

5 Specifically, the proposed 72.218 notes  
6 that the general license ISFSI must be decommissioned  
7 consistent with the requirements in 50.82 or 52.110 as  
8 the general license ISFSI is part of the Part 50 or  
9 Part 52 licensed site.

10 Also, the proposed 72.218 notes that the  
11 general license is terminated upon termination of the  
12 Part 50 or Part 52 license. We do have a specific  
13 request for comment on this topic.

14 The proposed rule clarifies that the  
15 current IFMP approval process, by requiring submittal  
16 of the initial IFMP, and any changes to the IFMP for  
17 NRC review and approval -- I'm sorry, the proposed  
18 rule clarified the current IFMP approval process by  
19 requiring submittal of initial IFMP and any changes to  
20 the IFMP for NRC review and approval by license  
21 amendment.

22 We would like to know if stakeholders see  
23 any challenges with implementing this part of the  
24 proposed rule. We're also considering a change to  
25 control provision to specify what changes the licensee

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 can make to the IFMP without NRC approval.

2 We would like to know stakeholders'  
3 opinion on a change control process including the  
4 criteria for changes licensees can make without NRC  
5 approval and any associated recordkeeping and  
6 reporting for those changes.

7 Guidance, we have developed guidance  
8 corresponding to the proposed rule changes in the  
9 draft guide for the IFMP.

10 We added guidance to Draft Guide 1347  
11 that's in Section C.3 to outline the information to be  
12 included in the licensee's IFMP.

13 For general license ISFSI decommissioning,  
14 we added references to general license ISFSIs in both  
15 Draft Guide 1347 and Draft Guide 1349 to make it clear  
16 that the general license ISFSI must be decommissioned  
17 consistent with the requirements in 50.82 and 52.110.

18 The NRC staff believes these changes will  
19 provide regulatory clarity and enhance overall  
20 regulatory transparency and openness regarding  
21 decommissioning and spent fuel management planning.

22 Next slide, please. Slide 26, low-level  
23 waste transportation. When a plant is actively being  
24 decommissioned, the plant typically generates large  
25 volumes of bulk low-level radioactive waste.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1           To efficiently manage the transportation  
2 of the waste to a licensed disposal site, most  
3 licensees ship waste by rail.

4           The railroads control the schedule for the  
5 transportation of the rail cars to the destination and  
6 a time to reach the disposal site destination is  
7 generally more than the 20-day notification  
8 requirement, which is currently in the regulation.

9           Licensees will continue to monitor and  
10 track the location and progress of their low-level  
11 waste shipments, but the proposed rule would say that  
12 the notifications to the NRC are not required unless a  
13 45-day limit is exceeded.

14           Next slide, please. Slide 27, certified  
15 fuel handler definition and elimination of the shift  
16 technical advisor.

17           Certified fuel handlers are non-licensed  
18 operators who are commonly used at permanently  
19 defueled nuclear facilities with irradiated fuel in  
20 the spent fuel pool.

21           The certified fuel handler is intended to  
22 be the on-shift representative who is responsible for  
23 safe fuel handling activities and always present on  
24 shift to ensure safety of the spent fuel and any  
25 decommissioning-related activities at the facility.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1                   Currently, a certified fuel handler is  
2 qualified through a training program that must be  
3 reviewed and approved by the NRC.

4                   The proposed rule would modify the  
5 definition of the certified fuel handler and add a  
6 provision that removes the need for NRC approval of  
7 the training program if the training program for  
8 certified fuel handlers is derived from a systems  
9 approach training that includes specific topics that  
10 are outlined in the proposed rule language.

11                   Specifically, the training program must  
12 address the safe conduct of decommissioning  
13 activities, safe handling and storage of spent fuel,  
14 and appropriate response to planned emergencies.

15                   The proposed rule would also clarify that  
16 a shift technical advisor is not required for  
17 decommissioning nuclear power reactors. Next slide,  
18 please.

19                   Back to Howard.

20                   MR. BENEWITZ: On Slide 28, we're talking  
21 about how our current regulations don't consistently  
22 refer to both Part 50 and Part 52 licensees and  
23 decommissioning. We have many provisions in our  
24 regulations that already apply to licensees when they  
25 enter decommissioning.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           This proposed rule, as you've heard over  
2 the last hour, we're proposing changes to our  
3 regulations to make others applicable during  
4 decommissioning and to revise others to make it clear  
5 that they apply during decommissioning.

6           Here, you can see in the top right corner  
7 of the slide there are many provisions that in most  
8 part, only refer to the Part 50 licensees in  
9 decommissioning and don't refer to Part 52 licensees.

10           Or if they do, it's possibly the wrong  
11 provision in Part 52.

12           It's 52.110, sometimes it says it's (a) (1)  
13 -- the wrong paragraph -- instead of (a) it's (a) (1),  
14 and so these are in some cases typos but in other  
15 cases, it is somewhat substantive to make sure that  
16 our regulations consistently apply to both Part 50 and  
17 Part 52 licensees in decommissioning.

18           And so that's essentially a pretty  
19 straightforward slide and proposal. Back to you, Dan.

20           MR. DOYLE: This is Slide 29, record-  
21 retention requirements. This is the last of our  
22 specific topic slides.

23           As noted, when a plant is no longer  
24 operating and is in decommissioning, most plant  
25 components such as pumps and valves are no longer in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 service and will eventually be removed as part of the  
2 dismantlement activities.

3 Therefore, there's no longer a need to  
4 retain certain records associated with these  
5 components and the rulemaking eliminates many  
6 recordkeeping retention requirements.

7 This proposed change would not impact the  
8 records that are required to be maintained in support  
9 of decommissioning and license termination activities.  
10 The proposed rule also includes a specific question  
11 concerning the recordkeeping requirements for  
12 facilities license under 10 CFR Part 52.

13 One of the rulemaking's few proposed  
14 changes to Part 52 would be in 52.63 regarding the  
15 recordkeeping and retention requirements for  
16 departures of the design of a facility.

17 However, these changes would not apply to  
18 a combined license holder that references one of the  
19 certified designs in the Part 52 appendices because  
20 those appendices have their own recordkeeping  
21 provision.

22 The NRC is asking if we should revise the  
23 Part 52 appendices to conform those recordkeeping  
24 requirements with those proposed for 52.63. Next  
25 slide, please.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           As we highlighted on these provide slides,  
2           there were 18 specific requests for comment. Most of  
3           them were linked to the topics and those were the ones  
4           that we highlighted. However, there were two that  
5           were not directly related to these topics, so I'd like  
6           to just point them out quickly now.

7           One is the timeframe for decommissioning.

8           So, the NRC is not proposing changes to  
9           the decommissioning timeframe requirement, but we do  
10          have a question on this topic, and we'd like to know  
11          what you see as the advantages and disadvantages of  
12          requiring prompt decontamination rather than allowing  
13          up to 60 years to decommission a site.

14          As part of its review of the PSDAR, one of  
15          the advantages and disadvantages of the NRC evaluating  
16          and making a decision about the timeframe for  
17          decommissioning on a site-specific basis.

18          The other topic, actually there were  
19          three, the second one is exemptions. As stated in the  
20          proposed rule, one of the goals of amending these  
21          regulations is to reduce the need for regulatory  
22          exemptions.

23          10 CFR 50.12 states that the Commission  
24          may grant exemptions from the requirements, the  
25          regulations under 10 CFR Part 50 if the request will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 not present an undue risk to public health and safety  
2 and is consistent with common defense and security.

3 What are the advantages and disadvantages  
4 of the current 50.12 approach to  
5 decommissioning-related exemptions? What standard  
6 should the NRC apply in determining whether to grant  
7 exemptions from the new or amended regulations?

8 What are the advantages and disadvantages  
9 of providing an opportunity for the public to weigh in  
10 on such exemption requests? Are there other process  
11 changes the NRC should consider in determining whether  
12 to grant exemptions from the new or amended  
13 regulations?

14 And then the third one is about  
15 applicability. There is the discussion for the  
16 applicability to NRC licensees during operations and  
17 to ISFSI only and standalone ISFSI Commission reactor  
18 sites.

19 Permanently shutdown nuclear power  
20 reactors will be at different stages of the  
21 decommissioning process when the new decommissioning  
22 regulations become effective and we'll have previously  
23 received varying regulatory exemptions.

24 Can you foresee any implementation issues  
25 with the proposed rule as its currently written for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 any new or amended requirements included in the  
2 proposed rule? How should the requirement apply to  
3 sites that are currently in different stages of  
4 decommissioning?

5 Next slide, please.

6 Slide 31, we do have a regulatory  
7 analysis, as a I mentioned, that accompanies the  
8 proposed rule. I just want to point out some items of  
9 interest.

10 Overall, the regulatory analysis concludes  
11 that this action as proposed would be overall cost  
12 beneficial with an estimated benefit of approximately  
13 \$18 million at a 7 percent net present value, 37  
14 million at 3 percent net present value.

15 The three areas that influence us the most  
16 were emergency preparedness, about \$7.7 million, drug  
17 and alcohol testing alternatives about \$7 million, and  
18 the decommissioning funding assurance alternative,  
19 about \$1 million.

20 So, we have a detailed discussion of what  
21 we identified as the cost and benefits and you're  
22 welcome to take a look at that and provide comments as  
23 part of your review. Next slide, please.

24 Moving to Slide 33. We do have several  
25 tips for you to consider as you're reviewing the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 proposed rule and preparing your public comments. I'm  
2 trying to provide some helpful information here to  
3 make your comments more effective.

4 So, number one is to take a look at the  
5 commenter's checklist at regulations.gov. This is a  
6 government-wide website where agencies will publish  
7 information about rulemaking activities and collect  
8 public comments so they have a checklist that's on  
9 their things to consider.

10 There's a link to it right on the comment  
11 submission form and there's also a link in the slides  
12 to a printable format so it just has some tips about  
13 the type of information to provide in your comments.

14 Next slide, please.

15 As I mentioned earlier, we do have an  
16 unofficial red-line rule document that shows how the  
17 proposed rule would modify the current regulations in  
18 red-line strike-out format.

19 There's a direct link to it right there in  
20 the accession number.

21 Next slide, please. Tip 3 is that we do  
22 have a public website, this is intended to be a one-  
23 stop shop for information about this rulemaking  
24 activity. You could scan that code with your phone,  
25 that would bring you right to the website.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1           There's also a short link there or if you  
2 have any trouble accessing, my contact information is  
3 on the slide. I'd be happy to give you a direct link  
4 or help you out.

5           So, this website has a link directly to  
6 the proposed rule. All these related documents that I  
7 mentioned, there's a direct link to the comment form,  
8 information about passed and upcoming public meetings.

9           As Trish mentioned, we do have one  
10 additional public meeting coming up on Monday.

11           And the next slide, Slide 36, how to  
12 submit a comment. This is just summarizing the  
13 instructions that we have in the proposed rule. There  
14 are multiple methods that you can use to give your  
15 comments to use. The one that we prefer is  
16 regulations.gov.

17           There's a comment form there where you  
18 could type in your comments or you could upload a  
19 document if you had prepared comments in a word file  
20 or if you have a PDF you can upload your own document.

21           Or you could email it to us at  
22 rulemaking.comments@nrc.gov or you could mail it to  
23 the address shown there. Please don't submit your  
24 comments in multiple methods, sometimes people do that  
25 just to make sure we get it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           If you do submit it, we will get it. If  
2 you send the email, you'll get a confirmation email  
3 back to know that it was received. And next slide,  
4 37. We're just showing the high-level next steps.

5           So, as I mentioned earlier, we will be  
6 extending the public comment period to August 30th so  
7 the comment period would close 11:59 p.m. Eastern Time  
8 on August 30th.

9           After the comment period closes, the NRC  
10 staff will review and address the public comments as  
11 part of developing the final rule package, which we  
12 plan to submit to the Commission, October of 2023.

13           This day does not reflect the change to  
14 the schedule so that's something we're going to have  
15 to take a look at and see. That may be adjusted but  
16 the current official estimated date is October 2023  
17 for the staff to submit it to the Commission.

18           And then the final rule publication date  
19 of May 2024. That wraps up the staff's prepared  
20 comments, thanks for your patience and attention with  
21 that. I will now turn it back over to Brett for the  
22 public feedback and questions portion of the meeting.

23           MR. KLUKAN: Thanks, Dan, I appreciate it.

24           My name is Brett Klukan, I am hopefully going to lead  
25 us through -- that's much better. Again, we're now

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 going to turn to the public feedback and question  
2 portion of the meeting, however, before we do that,  
3 one more step.

4 I'd like to offer any elected officials or  
5 representatives an opportunity to either be recognized  
6 or to give prepared remarks or to ask questions. And  
7 I'd like to begin with any representatives of tribal  
8 nations.

9 So, do we have any representative tribal  
10 nation in the room who would like to be recognized or  
11 to ask a question?

12 Seeing none, if you are a tribal official  
13 or representative of a tribal official participating  
14 virtually this evening and would like to be recognized  
15 or to ask a question at this time, please either raise  
16 your hand in teams, it's a little raise-hand button at  
17 the top of the screen, or hit star-five.

18 That's star-five if you are participating  
19 by phone. Once you have been called upon, please  
20 remember to unmute yourself within teams or by hitting  
21 star 6 on your phone.

22 Again, we would ask that you please  
23 identify yourself for the sake of the transcript and  
24 recording. With that, Lance, do we have any  
25 representatives of tribal nations who would like to be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 recognized at this time?

2 MR. RAKOVAN: None have identified  
3 themselves.

4 MR. KLUKAN: Thank you very much. We will  
5 now turn to Congressional representatives and we have  
6 with us this evening, Shelly Abajian, the District  
7 Director for U.S. Senator Feinstein and we also have  
8 Greg Haas, the Senior District representative for  
9 Congressman Carbajal.

10 I asked how to pronounce that because I  
11 knew I was going to mess it up beforehand because it  
12 would stick in my throat so I apologize.

13 So, anyway, do we have any other  
14 Congressional representatives in the room or  
15 representatives of Congresspeople in the room with us  
16 this evening who would like to be recognized at this  
17 time or to ask a question?

18 Lance, are there any Congressional  
19 representatives on the phone or on Teams who would  
20 like to be recognized or as a question? I feel like  
21 I'm looking into the sky, I don't know why, it's what  
22 I do when I do these virtual meetings because I don't  
23 know where to look.

24 So, do we have anyone, Lance?

25 MR. RAKOVAN: None have identified

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 themselves, Brett.

2 MR. KLUKAN: We will now turn to any state  
3 representatives. And state representatives in the  
4 room? How about on the phone? If you are a state  
5 representative, please raise your hand if you'd like  
6 to be recognized or to ask a question or hit star 5 on  
7 your phone.

8 MR. RAKOVAN: Again, I see no hands,  
9 Brett.

10 MR. KLUKAN: Any county or local elected  
11 officials who would like to stand and be recognized at  
12 this time or to ask a question? Anyone in the room?

13 Online, is there anyone participating via  
14 Teams who is a representative of a county or local  
15 elected official who would like to be recognized or to  
16 ask a question at this time?

17 MR. RAKOVAN: No one raising their hand,  
18 Brett.

19 MR. KLUKAN: We will now turn over to --  
20 the two that I mentioned, thank you for joining us  
21 this evening. We're now going to transition to the  
22 question and answer portion of the meeting.

23 Remember, our goal, as I articulated at  
24 the beginning of the meeting, is the help inform your  
25 process of providing written comments so that we ask

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 that you focus your questions on any clarifications  
2 you think that you may need or others may need in  
3 terms of what you've heard tonight with respect to the  
4 proposed decommissioning rule and draft regulatory  
5 guidance.

6 The process that I'm going to use again is  
7 that I'm going to call one person in the room and then  
8 go to one person online. For those of you in the  
9 room, when you are called to speak, please go to the  
10 microphone position to the left of me.

11 If you would like to have a microphone  
12 brought to you, please raise your hand. When I call  
13 your name, I will bring this microphone to you.

14 And again, though I've said it several  
15 times already, let Lance know that you would like ask  
16 a question as a member of the public on Teams or for  
17 those of you participating via the phone, please  
18 either raise your hand within Teams, it's a little  
19 raise-hand button or press star 5.

20 Again, that is star 5. When you've been  
21 called on to ask your question, if you're on Teams you  
22 can then unmute yourself or if you're on the phone you  
23 then have to press star 6.

24 Trust me, I will repeat this at least 10  
25 more times this evening. So, it looks like we have 2

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 people who signed up in the room. I'm just trying to  
2 get a sense of how many people in the room think they  
3 have a question right now.

4 So, two people, anyone else? Lance, I'm  
5 just trying to get a sense of how many people we have.  
6 There's a third. Lance, looking up again at the sky,  
7 how many people online have raised their hands at this  
8 time?

9 MR. RAKOVAN: I currently have one hand  
10 online.

11 MR. KLUKAN: We're going to start first  
12 with Jane Swanson. If you'd like to come up to the  
13 microphone to ask your questions? And then again  
14 after that we'll go to someone online.

15 If you could state your name and  
16 affiliation for the transcript.

17 MS. SWANSON: Right, Jane Swanson, I'm a  
18 spokesperson, one of the several spokespersons, for  
19 San Luis Obispo Mothers for Peace. I'd like to thank  
20 this body, first of all, for extending the deadline  
21 for comments.

22 Our attorney, Diane Curran, did ask for  
23 that, perhaps other parties did, I don't know. But  
24 that's very much appreciated. And my comments here  
25 today are me as an individual, I'm not a lawyer so I'm

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 just speaking from myself at the moment.

2 While I appreciate that you traveled here  
3 to meet with us in person and I know you're trying to  
4 be accessible, that's your whole goal, that's your  
5 charge, your responsibility, to be accessible to the  
6 public.

7 And I go to a lot of public meetings over  
8 the last 50 years, a lot, but I must say this is very  
9 challenging for me and I'm sure it is for other  
10 laypersons.

11 I'm not complaining at you, I'm just  
12 giving you feedback that what you just presented, I  
13 had the slides on my computer, so I was seeing them  
14 the way I wanted to also, but the language is very  
15 dense, and you talk really fast.

16 And you go by Part 50.2311 and Part 52  
17 whatever so frequently, I couldn't actually keep up  
18 with you all. I'm a lot more familiar with the  
19 language and vocabulary of this Agency than the  
20 average citizen in this community.

21 But I think it's important that the  
22 average person -- it shouldn't have to be somebody who  
23 is nutty enough like me to devote a lot of time to  
24 these issues.

25 A normal person living a normal life

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1 should be able to comprehend this and make comments  
2 and I'm going to work at it and do the best I can but  
3 it will be a very big challenge for me and I cannot  
4 imagine -- that's maybe why there are not that many  
5 people in the room or online, because it's really  
6 difficult.

7 And I appreciate that you're nodding,  
8 you're getting my message so I will shorten -- I have  
9 a lot to say. Can I say two more minutes, zero or  
10 what?

11 MR. KLUKAN: That's why I did try to get a  
12 sense of how many people were in here. So, take a  
13 couple more minutes, we're not in a rush this evening  
14 so I think we should be able to get through. We're  
15 here until 8:00 p.m.

16 MS. SWANSON: I've got a lot to say but  
17 I'll just make one more verbal comment. I was very  
18 distressed to see the plan the NEPA environmental  
19 review will happen along the way or afterwards or  
20 whatever that was.

21 It should happen first, that should be  
22 number one because all parties concerned, lawyers,  
23 laypersons, PG&Es, that should be all be laid out,  
24 what the national and policy act has to do with  
25 decommissioning. It's super important.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           If it waits until the end then it's a fait  
2 accompli and there's nothing you can do about it.

3           So, that would be my strongest verbal  
4 message and I'm happy to have the opportunity to say  
5 it in a public forum because I hope that puts a little  
6 flag up for other people and they might look into that  
7 also.

8           Thank you, the rest of my comments will  
9 come online. Thank you very much.

10          MR. KLUKAN: Thank you very much. Lance,  
11 if you could please unmute our next speaker?

12          MR. RAKOVAN: Ms. ZamEk, you should be  
13 able to unmute yourself, your mic is active.

14          MS. ZAMEK: Hello, I'm Jill ZamEk, I live  
15 in Arroyo Grande. I appreciate this opportunity for a  
16 local meeting to discuss this extremely important and  
17 complex proposed rule.

18           I'm very pleased that the deadline for the  
19 submittal of comments has been extended until August  
20 30th. I have a multitude of questions, I don't know  
21 how you're going to handle them but I'll start and see  
22 if you want to answer them on the spot or how you  
23 manage it.

24           At first glance of the proposed rule, I  
25 observed that the changes allow for licensee benefits

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 of cost savings and reduced regulatory burden. What  
2 enhanced financial and safety protections are included  
3 in this rule for us, the host community?

4 Do you answer the questions now or should  
5 I just keep going?

6 MR. KLUKAN: If you know that you have  
7 several questions that are related, I think it makes  
8 sense to bundle them together, however, if you're  
9 going to jump to a different topic, then maybe let the  
10 staff address this one.

11 Because again, we only have a handful of  
12 speakers at this time, I think that method will work.  
13 If you have other questions related to this, I would  
14 ask those now as well.

15 But if this is your only question on that,  
16 then we can move on to the other ones after the staff  
17 has potentially had a chance to respond to that.

18 MS. ZAMEK: I don't think any of my  
19 questions are related.

20 MR. DOYLE: Let's just try to respond here  
21 to questions. So, you were asking basically, are  
22 there safety enhancements or additional requirements  
23 that would be imposed to provide more protections for  
24 the public in this rulemaking?

25 So, in general this is making efficiency

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 improvements and clarifying the regulations and just  
2 going back to the original comment, I also understand  
3 what you're saying and apologize that this is not as  
4 accessible language.

5 But a lot of these are niche topics where  
6 there's a long history to it and it's a challenge to  
7 summarize. And I think we didn't quite hit that mark  
8 is what I heard so I apologize for that.

9 But I guess to directly answer your  
10 question that there's nothing in here from the NRC's  
11 perspective, I guess I'll look around.

12 Hopefully, what I'm saying is consistent  
13 with what we have in the proposed rule that it's not  
14 imposing some new requirements where the NRC had  
15 identified a safety issue or a security issue that  
16 required that.

17 We are making adjustments that are  
18 basically intended for improving efficiency.

19 MR. MORRIS: It's probably worth pointing  
20 out the NRC is governed by five core principles,  
21 independence, clarity, openness, reliability and  
22 efficiency.

23 And so to the extent that efficiency also  
24 applies to us, because the current process that's been  
25 utilized, the exemption process, is quite inefficient

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 and it actually consumes quite a bit of our resources  
2 as well for no real safety benefit.

3 MR. KLUKAN: For those of you on the  
4 phone, I just wanted to point out the last speaker was  
5 Scott Morris, the Regional Administrator for Region 4.

6 And he was preceded by Dan Doyle, for those of you  
7 who can't see our faces on the video, those were the  
8 last two speakers.

9 So, you said you had some additional  
10 questions?

11 MS. ZAMEK: I do. To follow up on that  
12 one, there are no financial and safety protections  
13 included for the community members then.

14 Number two, my second question, are there  
15 provisions for increased public involvement in the  
16 decommissioning decision-making in this draft  
17 proposal?

18 MR. KLUKAN: The question again, just to  
19 make sure, the staff is asking me to clarify, you're  
20 asking are there any additions to the rule with  
21 regards to public involvement in the decommissioning  
22 process?

23 Did I capture that correctly?

24 MS. ZAMEK: Yes, when are opportunities?

25 MR. WATSON: This is Bruce Watson, I'm the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 Chief of the Reactor Decommissioning Branch at NRC  
2 Headquarters.

3 I guess I was going to kind of expand a  
4 little bit on the first question you had in that while  
5 the rule actually provides for efficiencies for both  
6 the NRC and the licensees, because there's about 20 to  
7 25 actions that they take when they shut down a plant.

8 And if they don't have to do those actions  
9 to the level that we require right now by making it  
10 more efficient, there's a savings to the licensee in  
11 the fact that the trust fund is being spent on real  
12 decommissioning and not on just licensing activities.

13 There is a net benefit there for the  
14 public in that their funds that they provided through  
15 the Public Service Commission to fund the  
16 decommissioning fund will now be used better  
17 effectively towards the actual decommissioning.

18 So, I think that's the answer really to  
19 the first one. It's kind of indirect but that's the  
20 net result.

21 And the second one is, yes, I will agree  
22 with you that many of the opportunities for public  
23 engagement over these issues, if it's a license  
24 amendment, there's always the opportunity for a  
25 hearing.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           By codifying these, these will no longer  
2 be available for requesting public involvement in  
3 them.

4           However, I just do want to point out that  
5 we've had 17 reactor shutdowns over the history of  
6 since the 1990s and so since 2013, we've had 12 more  
7 shutdowns that will benefit the plants in the future  
8 from these types of regulatory actions by being  
9 codified.

10           So, the plants in the future will be able  
11 to use these regulations to be more efficient for  
12 transitioning into decommissioning.

13           MR. KLUKAN: Thank you, and I would just  
14 add that if you are concerned about this, the purpose  
15 of this meeting, if you believe the rule should  
16 include additional opportunities for public  
17 interaction within decommissioning, please, we would  
18 ask that you submit that as a comment as one of the  
19 methods the staff described this evening.

20           How about one more question? And then I  
21 feel like I should move on. If we have time at the  
22 end, we can come back to you. One more question right  
23 now?

24           MS. ZAMEK: What is the NRC's  
25 decision-making rule with respect to the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 decommissioning activities on the site? What  
2 authority does the NRC have over the licensees  
3 decommissioning plan?

4 MR. WATSON: Yes, this is Bruce Watson  
5 again, Chief of the Reactor Decommissioning Branch.  
6 The NRC provides oversight of decommissioning  
7 activities in a number of ways. The first is through  
8 the licensing process which my branch does in  
9 particular.

10 We issue the licensing documents such as  
11 changes to the technical specifications or the safety  
12 analysis report. And the licensees conduct those  
13 activities they're going to do within the existing  
14 safety evaluation process they've been using since the  
15 plant was operating.

16 I hate to throw out the number but it's 10  
17 CFR 50.59 is the safety evaluation process.

18 And that process is inspected to by our  
19 regional inspectors and so they keep track of the work  
20 they plan to do but continue to inspect it during the  
21 actual major activities that are conducted to make  
22 sure they're done safely.

23 So, oversight of the decommissioning, in a  
24 couple ways, like I said, one is through the licensing  
25 process and the second one is through the inspection

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1 process.

2 MR. MORRIS: If I could just add -- this  
3 is Scott Morris, regional administrator for Region 4,  
4 we manage a very active decommissioning program out of  
5 the regional office.

6 I've got several fully qualified  
7 decommissioning inspectors who visit the sites  
8 routinely, are in constant communication with the  
9 sites such that when significant activities are  
10 ongoing, we can be present to observe those in real  
11 time.

12 And all of those inspection reports are  
13 available in the public record.

14 MR. KLUKAN: Thank you, Scott and Bruce,  
15 for your comments and thank you for your questions.  
16 Again, I just want to circle back to other people who  
17 have indicated the desire to speak, and then if we  
18 have time to make sure they get that opportunity.

19 And then if we have time, we'll circle  
20 back to your additional questions. So, thank you,  
21 though, for the questions you've raised thus far.

22 We're now going to turn to our next person  
23 in the room and that is Sherry Lewis. If you'd like  
24 to come up to the microphone.

25 MS. LEWIS: My name is Sherry Lewis and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 I'm connected with San Luis Obispo Mothers for Peace.

2 I have a couple of questions, one is about the  
3 overloading, as I think of it, of the spent fuel  
4 pools.

5 PG&E has chosen to have the pools loaded  
6 more and more and more to maximum capacity and the  
7 reason seems to be that when the plant shuts down and  
8 all of the spent fuel is in the pool, they can be  
9 unloaded to dry cask at a quicker time, which saves  
10 them money.

11 But the problem with that is that when you  
12 have the pools filled so much and you have, say, and  
13 earthquake and loss of pool water, then the Zirconium  
14 cladding can catch on fire and you can have a huge  
15 fire problem.

16 Now, the thing there is it is known, not  
17 that I'm saying how, that it's safer to have the spent  
18 fuel is dry cask storage than to have it in the pools.  
19 So, the important thing is to have them taken out of  
20 the pools as soon as you can, as soon as they're cool  
21 enough, to go into dry cask storage.

22 But what PG&E is opting to do is to keep  
23 it all there and not deal with taking it out until the  
24 end when it can be done more quickly. So, my question  
25 then is how can NRC countenance something like that?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1                   That's choosing economics over safety.

2                   MR. KLUKAN: Thank you for the question.  
3 I appreciate you coming out this evening and raising  
4 it.

5                   We do have Scott Morris with us, the  
6 Region 4 regional administrator, we'd like to if we  
7 have time at the end to focus on plant-specific  
8 questions, we can circle back around to those.

9                   But we want to make sure we get through  
10 all the questions with respect to the decommissioning  
11 rule first.

12                   So, as time permits we can circle back to  
13 that question and I'll raise it again, but we just  
14 want to make sure right now we capture within the time  
15 for the meeting the questions with respect to the  
16 decommissioning rule itself.

17                   But again, thank you for raising the  
18 question, I'm not trying to dismiss it.

19                   MS. LEWIS: I have another question.

20                   MR. MORRIS: And if I could just add, if  
21 we run out of time I'll make myself available at the  
22 end.

23                   MS. LEWIS: My other one again you can  
24 come back to, it probably wouldn't fit in now, the  
25 Diablo Canyon Decommissioning Engagement Panel has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 spent many years and thousands of hours coming up with  
2 a lot of good information and suggestions.

3 And I'm wondering if the NRC pays  
4 attention to anything like that? They are a local  
5 group where you would get some more local input. So,  
6 that's an important thing, to be able to use the  
7 information that these people have spent a long time  
8 gathering.

9 MR. KLUKAN: Bruce Watson is going to take  
10 that one for us.

11 MR. WATSON: This is Bruce Watson,  
12 citizens advisory panels, citizen advisory boards,  
13 they come in a variety of names, yes, we encourage the  
14 utility or the local community to form one.

15 Some are formed by the states, we do  
16 participate in those if we're invited, however, we  
17 also generally listen to what's going on with them.  
18 I've been here to speak at the Diablo one before and  
19 there's another safety group here that I've spoken  
20 with.

21 It's an independent safety committee from  
22 the state, and I've spoken to them before too. We do  
23 pay a lot of attention to what's going on with those  
24 groups and we have them at a variety of sites around  
25 the country.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 Not all of them have them but many of them  
2 do have them.

3 As a matter of fact, a few years ago I  
4 held a meeting right here to collect comments because  
5 we were charged by Congress to put together a report  
6 for best practices for citizens advisory panels or  
7 boards, and that report went out in July of 2019.

8 And so that report went to Congress and I  
9 led that effort for the Agency and we held a meeting  
10 on that particular issue right here in this room. We  
11 got a lot of good feedback from the Diablo Canyon  
12 Citizens Advisory Panel.

13 MS. LEWIS: Thank you.

14 DR. HOLAHAN: And if I can add, that  
15 report, we sent it to Congress when we had the overall  
16 report done and we had good practices from several  
17 different sites.

18 So, we put that report together and we've  
19 asked the question in the proposed rule whether that  
20 should be required or not.

21 But we found that it was better to leave  
22 it up to the individual sites to formulate their  
23 citizens advisory board.

24 MR. KLUKAN: Thank you very much for your  
25 questions and as time permits, we'll circle back to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 your first one.

2 Lance, has anyone else raised a hand on  
3 Teams or indicated for those participating by phone  
4 hit star 5 to notify you they would like to ask a  
5 question at this time?

6 MR. RAKOVAN: Yes, we have three hands up.  
7 Marty Brown, you can unmute yourself and ask your  
8 question if you'd like?

9 MR. KLUKAN: Please go ahead whenever  
10 you're ready.

11 MR. RAKOVAN: Mr. Brown, you should be  
12 able to unmute yourself. Are you there?

13 MR. KLUKAN: If you're on Teams, click the  
14 little thing that looks like a microphone, which  
15 should have a Ghostbuster symbol through it, whatever,  
16 I'm dating myself. Or hit star six on your phone.

17 Maybe we can come back Mr. Brown. Lance,  
18 can we have another speaker?

19 MR. RAKOVAN: Sure, Ryan Pickering, you  
20 should be able to unmute yourself and ask a question  
21 now.

22 MR. PICKERING: Thank you and good  
23 evening. I want to begin by thanking this group for  
24 progressing this work of streamlining our  
25 decommissioning process in the United States.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           This is a critical effort in order to save  
2 taxpayer dollars and dispel fear in the public, and  
3 finally, make nuclear energy even more competitive  
4 than it already is.

5           So, I just want to commend the work and  
6 though, as a layperson I did find it mildly confusing,  
7 I was roughly able to follow along. So, keep up the  
8 good work and we appreciate efforts to save taxpayer  
9 dollars.

10           My question is I'm wondering if there has  
11 been a consideration of a rule proposal to facilitate  
12 a nuclear power-plant operator changing direction from  
13 decommissioning to life extension.

14           As we've heard both the Governor of  
15 California and Michigan are pushing to keep nuclear  
16 power-plants open, I'm wondering if there's a rule  
17 proposal to facilitate a power-plant operator changing  
18 direction from decommissioning to life extension?  
19 Thank you.

20           MR. MORRIS: I'll try this one, Scott  
21 Morris here, Regional Administrator. There is a  
22 process for license renewal, it's a well-trodden road  
23 on most plants.

24           Many plants that are operating today have  
25 already successfully gone through that process and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 extended their operating license from the initial 40-  
2 year period to an additional 20 years.

3 What typically is required is, obviously  
4 what's required is an application from the licensee to  
5 be able to extend their license. That review process  
6 takes nominally two years to get through.

7 It's a detailed evaluation of things that  
8 are really impactful for extended life, particularly  
9 passive systems, structures, and components. So, the  
10 short answer is, yes, there is a way.

11 However, once we receive certification  
12 from a licensee that they have permanently ceased  
13 operations and all fuel has been removed from the  
14 vessel, that changes the whole equation.

15 But before they send those letters to us,  
16 then there is an opportunity to extend their license.  
17 So, in the case of Diablo Canyon, for example, we  
18 haven't received such letters because clearly, they're  
19 still operating.

20 So, they do have an opportunity to submit  
21 a license renewal application. We don't have that  
22 application before us right now but it is a  
23 possibility. Bruce, did you want to add to that?

24 Once you get those certification letters  
25 in, you've pretty much removed your opportunity for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1 seeking a license extension.

2 MR. KLUKAN: Thank you very much for your  
3 comment and question. Sir, I know that you indicated  
4 that you'd like to speak this evening, please?

5 MR. PICKERING: Well, thank you, everyone,  
6 that's very enlightening and we will do our best to  
7 continue to create portable and reliable electricity  
8 in the United States.

9 MR. KLUKAN: Thank you very much, Mr.  
10 Pickering, for your comments and participating in the  
11 meeting this evening.

12 MR. MILLER: I'm Clint Miller, I actually  
13 work at the plant for PG&E but I'm speaking as a  
14 ratepayer. I believe you asked a question about the  
15 trust fund and the formula and to the spending.

16 Trish, I don't know if you remember me but  
17 I've been at a couple of the EPRI meetings virtually  
18 so I'm glad to finally meet you after a couple of  
19 years in person. Part of that trust fund would be the  
20 setting aside money for the disposal cost at a low-  
21 level waste disposal site.

22 There was an NRC guidance out there on how  
23 to calculate that. Long ago, it was based on the  
24 disposal site in South Carolina.

25 A few years ago, that guidance from the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 NRC was updated to where most plants are shipping out  
2 either Class A license facility in Utah or to the  
3 Class B/C waste to the disposal facility in Texas.

4 The Nuclear Energy Institute sent in  
5 comments on that update and said thank you very much  
6 for updating the cost but for decommissioning I think  
7 really missed the boat, those comments from NEI said,  
8 because the large, massive quantities of material  
9 which has trace amounts of activity is being sent to  
10 these alternative disposal sites, the U.S. Ecology  
11 site in Idaho or to the RCRA cell at Texas.

12 And people ship there because it's  
13 significantly less than shipping to the Class A site  
14 at Utah. And PG&E, they ship large quantities to  
15 Idaho and large quantities to Texas.

16 So, I submit that guidance needs to be  
17 changed because at certain states you're able to go to  
18 your public utility commission and say, hey, we're  
19 going to use a different number than what's in the NRC  
20 guidance.

21 But the NRC guidance is out there, and as  
22 I read it it's requiring you to put more money in the  
23 trust fund than is absolutely necessary. And that's  
24 an opportunity cost that in these austere economic  
25 times just cannot be borne.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1           That money should go back to their  
2 ratepayers, never taken from the ratepayers in the  
3 first place if they can go through these hard economic  
4 times, or it should be available for the utilities to  
5 go update their grids to get either more prevention  
6 for fires starting or get more transmission to be able  
7 to push renewables from where it is today to where  
8 it's needed.

9           And it's just a huge opportunity cost. The  
10 dollars are there, I don't think another submittal of  
11 comments to the NRC is needed because the Nuclear  
12 Energy Institute already sent in their comments on  
13 that guidance on low-level waste cost testing.

14           MR. KLUKAN: Thank you very much for that,  
15 I'm going to turn it over to Bruce.

16           MR. WATSON: Your comment is very good  
17 actually, this is Bruce Watson again. Up until the  
18 time about five years before the plant shuts down, the  
19 licensees can use that formula we have with all the  
20 cost factors and all that type of information to come  
21 up with the minimum cost for the decommissioning.

22           And that's based on a reasonable  
23 expectation that there will be enough money to  
24 complete the decommissioning. It's not a complete  
25 assurance but it is reasonable that there's going to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 be enough money to complete the decommissioning.

2 But five years before they shut down,  
3 they're required to submit a site-specific estimate of  
4 the cost. Now, unfortunately, a lot of these plants  
5 shut down and recently, before they announced that  
6 unexpectedly they were going to shut down without  
7 meeting that five-year criteria.

8 So, when they do shut down they have to  
9 provide a site-specific estimate and that's when they  
10 generally adjust the cost based on their specific plan  
11 for the disposal of the waste.

12 So, if they expect they're going to create  
13 a lot of low-level trivial activity waste that's going  
14 to go to a RCRA cell or Idaho, the U.S. Ecology  
15 facility, that's when they would make those changes in  
16 the cost estimate.

17 But like I said, the formulas is to set  
18 the minimum and then they can take the time during  
19 anytime in their operation if they really want to go  
20 into the details of planning the decommissioning,  
21 which isn't an additional cost to do that while  
22 they're in operations, to determine how they're going  
23 to do the decommissioning.

24 But most don't do that until within five  
25 years when they're going to shut down. So, there is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 an opportunity from the utility to really adjust those  
2 costs based on what their plans are.

3 But there's a lot of variability in the  
4 strategies that the utilities could use to -- or I  
5 should say the companies that are decommissioning the  
6 sites and how they choose to do it.

7 And so that would lend for more  
8 variability in the cost but I agree with you, if  
9 you're shooting high and you're asking for a lot more  
10 money, that's probably not fair to everybody, I'll  
11 just say that.

12 But they do want to make sure they have a  
13 reasonable amount of money to cover the entire cost of  
14 the decommissioning.

15 MR. MILLER: I understand, I'm just trying  
16 to reiterate that the common practice now is that  
17 those vast quantities of material that have trace  
18 level activity are going to RCRA cells to much lower  
19 fee and it shouldn't be a requirement to stock money  
20 that could either be back to the ratepayers five years  
21 before or be available for the utilities to ask  
22 ratepayers for money to go improve the grid.

23 Thank you.

24 MR. KLUKAN: Thank you very much. Lance,  
25 could we have our next speaker on Teams or on the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 phone, please?

2 MR. RAKOVAN: Lynne Goodman, you should be  
3 able to unmute and ask your question now.

4 MS. GOODMAN: Good evening, I'm Lynne  
5 Goodman. I have a question that's similar to Mr.  
6 Pickering's but somewhat different.

7 Once the current regulatory guidance from  
8 how I read it says that once a plant has shut down  
9 permanently and submitted its certification, if they  
10 want to restart the plant, it's basically a  
11 case-by-case basis.

12 Does the proposed guidance address that  
13 any further as far as if once a plant has submitted  
14 its certification, if it decides to change their mind  
15 and wants to restart the plant using what their  
16 current license allows, I'm not talking about further  
17 extending the license but using the rest of the  
18 current license, is that addressed at all in the  
19 proposed guidance?

20 MR. DOYLE: This is Dan Doyle. We have  
21 not proposed any changes in the regulations or the  
22 guidance related to that situation where a facility  
23 has started the decommissioning process and then  
24 wanted to change.

25 That's not something we've proposed any

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 changes related to.

2 MR. MORRIS: This is Scott Morris. I just  
3 want to add the practical implications also need to be  
4 I think just -- I need to mention them here. Once a  
5 plant shuts down, submits those two certifications, at  
6 that point, they tend to, the licensed operators that  
7 operate the facility, tend to go away.

8 They give up those licenses. To order new  
9 fuel to run the reactor is typically at least a two-  
10 year lead time. And there's a whole bunch of things  
11 like that.

12 So, the practical implications are that if  
13 a decision like that was made, it would still measure  
14 two to three years minimum before they could actually  
15 -- even if they had the means to do that in a rule,  
16 for example.

17 That's just the practical side of it.

18 MS. GOODMAN: I'm specifically thinking  
19 about the Palisades situation since the plant shut  
20 down is coming very quickly yet the Governor and  
21 others have discussed the potential of not permanently  
22 shutting it down or being able to continue to operate  
23 it because of the low emissions to meet the carbon  
24 goals of the state.

25 So, if it did shut down whether or not it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 would be potential to restart it up again, recognizing  
2 there would be delays to order the fuel and also the  
3 plant would have to be maintained in good condition in  
4 the meantime.

5 MR. MORRIS: Just another side of that, in  
6 that particular case, the company that owns that  
7 facility has already entered into a contractual  
8 agreement with the company that's purchasing it and  
9 conducting the decommissioning.

10 So, for them, backing out of that  
11 contract, that's a real practical implication that  
12 would present some pretty significant challenges for  
13 that utility.

14 MR. KLUKAN: Did you have any other  
15 questions?

16 MS. GOODMAN: No, thank you.

17 MR. KLUKAN: Thank you very much for  
18 asking your question and for participating in the  
19 meeting this evening. Can I look to the room again?  
20 Is there anyone else who has not yet spoken who would  
21 like to ask any questions or provide any feedback at  
22 this time?

23 For the record, seeing none, Lance, do we  
24 have anyone who hasn't asked a question yet? Maybe we  
25 go back to Mr. Brown I think, see if we can reconnect

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1 him?

2 MR. RAKOVAN: I have no one who has their  
3 hand up at this time and I think he may have dropped  
4 off.

5 MR. KLUKAN: I think we had one individual  
6 who had additional questions. Since we have a couple  
7 minutes left, the first online speaker, did you want  
8 to ask some additional questions now?

9 We said we would give an opportunity to  
10 come back to you if we didn't have anyone else.

11 MR. RAKOVAN: Ms. ZamEk, you should be  
12 able to unmute.

13 MS. ZAMEK: Thank you, I think they are  
14 probably faster questions. Is the National  
15 Environmental Policy Act environmental review required  
16 before decommissioning work commences?

17 MR. DOYLE: This is Dan Doyle.

18 The National Environmental Policy Act is  
19 applied to all NRC actions so the short answer to your  
20 question is yes, from initial licensing to any  
21 changes, there is requirements and guidance for how we  
22 meet our obligations under the National Environmental  
23 Policy Act.

24 There's an environmental review before, at  
25 the beginning of the process and what we're talking

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 about in this proposed rule is some of the changes  
2 related to the decommissioning process.

3 So, the short answer to your question is  
4 yes, there are requirements before the decommissioning  
5 process, it's not just at the end. Hopefully that  
6 helps.

7 MS. ZAMEK: Will the entomb option for  
8 decommissioning strategies be removed from this  
9 proposed rule?

10 MR. WATSON: This is Bruce. Entombment is  
11 only mentioned in our guidance and it was incorporated  
12 back I'll say 30 years ago based on what the  
13 international community felt was important to everyone  
14 at that time.

15 But during the 1990s we held public  
16 meetings and it was determined that entombment was not  
17 a chosen path for decommissioning for NRC license  
18 facilities.

19 And so we never promulgated any  
20 regulations to allow for entombment and so we looked  
21 at this as part of this rulemaking and decided that we  
22 have some very old guidance after this that still  
23 mentions entombment but we'll be removing that from  
24 the guidance as we revise it.

25 MS. ZAMEK: My last question, what is the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 rationale for reduced emergency preparedness when the  
2 plant reaches Level 2 and there's all that high burnup  
3 fuel still in the pools?

4 And this same question pertains to reduced  
5 cybersecurity and insurance requirements.

6 MR. ANDERSON: This is Jim Anderson.

7 To speak to the emergency preparedness  
8 part of that question, when the utility would enter  
9 into Level 2, the spent fuel at that stage, be it 10  
10 months for a boiling reactor or 16 months for a  
11 pressurized water reactor, or a separate time based on  
12 a site-specific determination, the ability of the fuel  
13 to heat up to cladding ignition temperatures at which  
14 it would catch fire would be limited.

15 It would not be able to happen within 10  
16 hours of the initiation of the event. So, that's how  
17 the transition to Level 2 occurs and why it happens  
18 when it does according to the proposed rule.

19 Does that answer the question?

20 MS. ZAMEK: I think perhaps this is a  
21 site-specific question because I know at Diablo  
22 they're planning to remove that fuel within two years,  
23 so I don't know how that works with that 16 months.

24 MR. MORRIS: This is Scott Morris. At the  
25 end of the day, it's all about heat, it's all about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 the decay heat that's being generated. And of course,  
2 over time as the decay heat continues to go down and  
3 down and down.

4 And I think what Jim is stating here or  
5 the objective of the point of this proposed new  
6 requirement is to say -- I don't want to mix issues  
7 and I don't want to make it complicated.

8 I'm trying to think of a way to say this  
9 simply.

10 Like I said, the bottom line is that for  
11 used fuel sitting in a spent fuel pool, for it to  
12 actually get to a point where it would have enough  
13 heat to cause it to self-ignite and it causes  
14 zirconium fire, there would be adequate amount of time  
15 once the event initiator happens, meaning a loss of  
16 cooling, like all the water in the pool is gone.  
17 There's no water to cool the fuel.

18 It would still take at least 10 hours  
19 before the temperature of the fuel would exceed the  
20 ignition point. And the thought is if that's the  
21 case, we can employ other more traditional ways of  
22 combating that emergency and then what is required in  
23 a current operating reactor.

24 That's the bottom line, right? And as far  
25 as going to dry storage, dry storage means the heat in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 the fuel has decayed away to the point that the fuel  
2 doesn't need water anymore and normal circulation of  
3 air around it is enough to keep it cool.

4 That typically takes three years, four  
5 years, it depends.

6 MR. WATSON: I was just going to respond  
7 to a hidden question in there and that is in the  
8 rulemaking, for a pressurized water reactor, we are  
9 specifying that it takes 16 months for the fuel to  
10 cool sufficiently so that you can't have that zirc  
11 fire and cause an offsite dose consequence that would  
12 require an emergency plan offsite.

13 But the second part of I think the  
14 question you asked was is it okay for Diablo Canyon,  
15 is it safe for them to move the fuel in 24 months or 2  
16 years?

17 And the answer to that is, yes, it's much  
18 greater than 16 months so the fuel would even be six  
19 months cooler, it will be in a better situation to be  
20 transported to dry storage.

21 MR. KLUKAN: Thank you, and I think the  
22 other two parts of that question were regarding  
23 reducing cybersecurity requirements and insurance  
24 requirements. Can someone from the staff just touch  
25 upon our rationale in the proposed rule for our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 changes to those?

2 MR. DOYLE: This is Dan. There were  
3 similar related questions about emergency preparedness  
4 which Jim already addressed. Also, for cybersecurity  
5 and for the offsite, the insurance requirements, let  
6 me check with Eric Lee. I know we have a staff Member  
7 on board.

8 Eric, is there anything additional you  
9 wanted point out for cybersecurity requirements?

10 MR. LEE: Yes, hold on a second.

11 MR. DOYLE: I think we lost you, Eric.  
12 Let me check, we have another staff Member, Mai  
13 Henderson is our subject-matter expert on the  
14 insurance requirements. Eric, we got you back, let's  
15 go with Eric.

16 MR. LEE: The same reason, cybersecurity  
17 rule is based on the risk. Once the licensee has shut  
18 down the reactor, they don't really have any  
19 safety-related systems to protect.

20 And because of that, based on the risk  
21 just talked about by the emergency preparedness  
22 person, removing the cybersecurity requirement at  
23 Level 2, which is for pressure water I believe is 16  
24 months and the boiling water is 10 months after move  
25 to the spent fuel pool.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 I hope that answers the question.

2 MR. DOYLE: Let me check with Mai  
3 Henderson, is there anything else you wanted to add  
4 for insurance requirement changes and why the staff us  
5 proposing those changes at that point?

6 MS. HENDERSON: No, good evening, this is  
7 Mai Henderson and no, not anything that would differ  
8 from the emergency preparedness staff or cybersecurity  
9 staff.

10 When reviewing exemptions for offsite and  
11 onsite insurance, we largely base our review on the EP  
12 exemption that takes place.

13 And so if the licensee has met all of the  
14 requirements in order to obtain any emergency  
15 preparedness exemption, we utilize those technical  
16 findings to then approve the exemption requests for  
17 both onsite and offsite insurance.

18 And there's a lot of other background  
19 information with regards to how we determine and  
20 arrived at the particular values for offsite and  
21 onsite insurance, however, there's no different or new  
22 findings or technical basis that we use to approve  
23 exemptions for insurance or financial protection.

24 MR. KLUKAN: For those participating on  
25 the phone, could you repeat your name one more time?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 MS. HENDERSON: This is Mai Henderson and  
2 I'm the subject-matter expert for the offsite and  
3 onsite financial protection and indemnity agreements.

4 MR. KLUKAN: Sorry, I was asking the  
5 member of the public.

6 MS. ZAMEK: Jill ZamEk.

7 MR. KLUKAN: Thank you again for your  
8 questions. Right now we're past our scheduled meeting  
9 end time of 8:00 p.m. We'd like to thank all of you  
10 participating.

11 I would say we have one open question that  
12 you asked, Ms. Lewis, that Scott Morris will follow  
13 up with you afterwards.

14 Again, thank you for asking the question,  
15 I thank all of you for participating as well. Could I  
16 have the next slide, please?

17 Again, I mentioned at the outset of this  
18 meeting and frontloaded the requests, clearly you  
19 can't scan that right now because it's up on the  
20 screen but we do ask that you go to our website or go  
21 on your computer, find these slides, click on the QR  
22 code, fill out the meeting feedback form.

23 Again, just like everybody else we're  
24 learning about how best to conduct hybrid meetings so  
25 we really appreciate your feedback. If there are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



1 things you think we could be doing to make this a  
2 better process that's more useful for you, please let  
3 us know.

4 As a facilitator, I would really  
5 appreciate it. And with that, I want to thank you  
6 again for taking the time this evening to join us and  
7 talk with us and with that, I'll turn it over to Dan.

8 MR. DOYLE: Thank you very much, we also  
9 just want to say thank you to the San Luis Obispo  
10 County Government staff for allowing us to use this  
11 facility for this meeting. This is a great facility,  
12 we appreciate it and again, thank you for your time.

13 Trish, do you have any other closing  
14 remarks?

15 DR. HOLAHAN: Again, I'd like to thank  
16 everybody for coming tonight both in the room and on  
17 the phone. Thank you for providing the comments.  
18 We've heard your comments and we're going to take them  
19 to heart but this will also help inform our path  
20 forward.

21 Again, please, I encourage you to submit  
22 comments in writing and then we'll consider all the  
23 comments in formulating the final rule. So, thank you  
24 again and thank you to the County supervisors.

25 MR. KLUKAN: All right, with that, we've

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

1 ended the meeting, everyone. Thank you again, we can  
2 stop the recording at this time. Lance, thank you for  
3 facilitating online, I very much appreciate it and  
4 thank all of you for participating virtually as well.

5 Goodnight, everyone.

6 (Whereupon, the above-entitled matter  
7 went off the record at 8:10 p.m.)

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25