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May 27, 2015

Mr. Mark A. Satorius
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Input on Scope of Integrated Rulemaking for Decommissioning

Project Number: 689

Dear Mr. Satorius:

In SECY-15-0014, dated January 30, 2015, the NRC staff provided information about the anticipated schedule and estimated resources for a rulemaking addressing decommissioning.¹ As stated in my December 3, 2014, letter to Chairman Macfarlane, the industry supports an integrated rulemaking that would address the transition from operating to decommissioned status. We also believe that the Commission's objective of completing such a rulemaking by early 2019 is reasonable, given the continuing near-term need for resources to process current and pending applications for license amendments and exemptions related to decommissioning.

In SECY-15-0014, however, the NRC staff expressed concern that "it will be extremely challenging to complete the decommissioning rulemaking in early 2019 without impacting the current decommissioning and non-decommissioning emergency planning (EP) licensing activities," and "there is a high likelihood that the final rule may not be issued until sometime in calendar year (CY) 2020." The industry is working with the NRC staff on two fronts to address this concern. First, the industry is developing a number of guidance documents and templates to assure consistency and efficiency in the near-term for activities impacting plants entering the decommissioning process (these are listed in the attachment to this letter). Second, the industry is recommending that the proposed rulemaking focus on providing regulatory stability and predictability in the transition from operating to decommissioned status by specifically targeting transition

¹ The NRC staff prepared SECY-15-0014 in response to Staff Requirements – SECY-14-0066 – Request by Dominion Energy Kewanee, Inc. For Exemptions from Certain Emergency Planning Requirements, Aug. 7, 2014 (SRM-SECY-14-0066); and Staff Requirements – SECY-14-0118 – Request by Duke Energy Florida, Inc. For Exemptions From Certain Emergency Planning Requirements, Dec. 30, 2014 (SRM-SECY-14-0118).

issues in areas where exemptions and license amendments are currently being relied upon. The rulemaking should not seek to broadly redefine existing decommissioning requirements or practices.

The industry very much appreciated the opportunity to discuss both of these topics in an April 23, 2015, public meeting with NRC staff. This meeting substantially advanced the dialogue on the measures needed to maintain an efficient process for the near-term licensing and regulatory actions requested by plants currently undergoing decommissioning, while ensuring that progress can be made on the proposed rulemaking.

Following this meeting, the industry refined its recommendations for the scope of the rulemaking and I am pleased to provide those recommendations for your consideration. A long-term, durable resolution of decommissioning transition issues will be best-served by a rulemaking that focuses on tailoring requirements to reflect changes in the risk profile of a facility as it moves through key milestone conditions during the decommissioning process. Such a rulemaking will increase the efficiency, clarity and reliability of the agency's regulatory framework without introducing new and unnecessary regulatory burden. Specifically, the industry believes that the scope of rulemaking should specifically include the following:

- clear articulation of a tiered approach to the regulation of decommissioning based on key milestone conditions that impact plant risk status (e.g. transition from operating to defueled status, transition to post zirconium fire feasibility period with fuel in wet storage, transition to a condition where all fuel is in dry storage, transition to a condition where all fuel is shipped offsite)
- specific subject-matter areas that should be addressed, include:
 - emergency preparedness
 - insurance coverage
 - security
 - work hours
 - staffing and training
 - continuation of licenses (provision of a reasonable alternative to Part 54 aging management programs for time periods > 40/60 years for those plants that did not go through license renewal prior to shutdown)
 - backfitting (applicability to facilities undergoing decommissioning)
 - B.5.b applicability
 - Fukushima orders (specifically addressing rescission at appropriate points in time).

Furthermore, the scope of rulemaking should specifically exclude the following:

- Post Shutdown Activities Report (PSDAR) approval, decommissioning cost estimate and Irradiated Fuel Management Plan (IFMP) approval
- three options for decommissioning
- required status reports to the NRC during decommissioning

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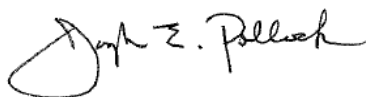
- License Termination Plan (LTP) process
- state and local government role
- aging management of casks
- trust fund formula and disbursements
- Emergency Response Data System (ERDS)

Targeted rulemaking, as described above, will define a decommissioning transition process that continues to provide reasonable assurance of public safety while ensuring that funds set aside for decommissioning are judiciously applied and are not used unnecessarily while licensing actions and exemption requests are under review.

The industry intends to submit detailed rulemaking proposals in each of the areas listed above either in the form of a Petition for Rulemaking or as part of our comments submitted during the rulemaking process.

I thank you for consideration of this input and look forward to the opportunity to further advance the dialogue on this topic in future public meetings between the industry and NRC staff.

Sincerely,



Joseph Pollock

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