

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

April 11, 2000

FROM: William D. Travers */RA by Frank Miraglia Acting For/*
Executive Director for Operations

SUBJECT: STANDARD REVIEW PLAN ENTITLED, "LICENSEE REQUESTS TO
EXTEND THE TIME PERIOD ESTABLISHED FOR INITIATION OF
DECOMMISSIONING ACTIVITIES"

The Staff Requirements Memorandum (SRM) to SECY-99-042 required the staff to develop guidance to clarify 10 CFR Parts 30, 40, and 70 to allow licensees alternative time schedules for initiation of decommissioning. In developing the guidance, the Commission requested that the staff: (1) work closely with stakeholders to develop acceptance criteria for the approval of alternative time schedules for initiation of decommissioning; (2) address the case of Federal facilities undergoing decommissioning; and (3) address the need to establish or revise financial assurance instruments for decommissioning.

The Standard Review Plan (SRP) entitled, "Licensee Requests to Extend the Time Period Established for Initiation of Decommissioning Activities," (Attachment 1), was prepared by the staff as requested in Staff Requirements Memorandum SECY-99-042, "Denial of a Petition for Rulemaking: Nuclear Energy Institute (NEI) (PRM-30-61)."

On August 11, 1999, the Federal Register, Volume 64, No. 154, announced the availability of the draft SRP and requested public review and comment. The SRP was also posted on the U.S. Nuclear Regulatory Commission's (NRC's) external website. The staff did not receive any comments on the draft, during the comment period that ended September 1, 1999, so the comment period was extended to October 15, 1999. Only two stakeholders -- Nuclear Energy Institute (NEI) and Westinghouse Electric Company (Westinghouse) -- responded.

In a memorandum to the Commission dated October 8, 1999, the staff committed to hold a public workshop to address stakeholder concerns. Since only two stakeholders provided comments on the draft SRP, the staff decided that holding a public workshop was unwarranted.

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Instead, the NRC held a conference call with NEI and Westinghouse, to discuss their comments and clarify NRC's position on the issues. All stakeholder comments were resolved to the mutual satisfaction of the stakeholders and NRC staff. Attachment 2 documents the resolution of stakeholder comments.

Consistent with the SRM to SECY-99-042, the staff has completed the guidance to clarify the regulations that allow licensees alternative time schedules for initiation of decommissioning activities. The staff intends to issue an Information Notice providing the SRP to licensees and post it on the NRC's external web server. In addition, the SRP will be incorporated in the next revision of the Office of Nuclear Material Safety and Safeguards Decommissioning Handbook, NUREG/BR-0241, scheduled for publication in calendar year 2000.

Attachments:

1. SRP
2. Resolution of Stakeholder Comments

cc: SECY
OGC
OCA
OPA
CFO
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Division of Waste Management

STANDARD REVIEW PLAN
LICENSEE REQUESTS TO EXTEND THE TIME PERIOD ESTABLISHED
FOR INITIATION OF DECOMMISSIONING ACTIVITIES

1. RESPONSIBILITY FOR REVIEW

1.1 Primary - Project Manager (PM). The Regional or Headquarters PM is responsible for reviewing and responding to licensee requests to extend the time limits established for the initiation of decommissioning activities. Licensees should be notified of the U.S. Nuclear Regulatory Commission's (NRC's) decision, by letter, signed by the Branch Chief. If the license requires changes to its license certifications to meet the acceptance criteria presented in this Standard Review Plan (SRP), the PM is responsible for ensuring that the license is appropriately amended.

1.2 Secondary - None

1.3 Supporting - Health Physicist, Financial Assurance Specialist

2. AREAS OF REVIEW

The staff will review a licensee request to extend the time limits established for the initiation of decommissioning activities in accordance with the requirements of the "Timeliness in Decommissioning of Material Facilities" rule (59 FR 36026-36040, July 15, 1994) (hereafter Timeliness Rule). The Timeliness Rule requirements are presented in 10 CFR 30.36, 40.42, 70.38, and 72.54. Throughout the remainder of this SRP, reference will be made to various sections of 10 CFR 30.36. Specifically, the requirements for the initiation of decommissioning are located in Section 30.36 (d). Section 30.36 (f) provides the requirements for extending the time periods established in Section 30.36 (d). Readers should substitute similar sections in 10 CFR 40.42, 70.38, and 72.54, as applicable for other licensing situations.

3. REVIEW PROCEDURES

The staff will use and apply material from this SRP as may be appropriate for specific cases. The staff's review of Licensee submittals should include: (1) Acceptance Reviews; (2) Detailed Reviews; (3) Requests for Additional Information; and (4) documentation of the Safety and Environmental Review. In implementing this streamlining approach, staff should conduct an acceptance review to ensure the application is complete, and if it is not, return it to the licensee. Staff should then conduct its detailed review, and prepare its preliminary technical evaluation. Through this process, staff will be able to identify areas where questions need to be asked. This approach will help ensure that questions are limited to those areas where additional information is truly needed, and should help reduce questions.

3.1 Acceptance Review

The staff will review a licensee request to extend the time period established in 10 CFR 30.36 (d) for initiation of decommissioning activities for completeness in accordance with this SRP. If the licensee's information is inadequate or incomplete, the staff should request that the licensee supply additional information. The staff may recommend that the request: (1) be rejected because of inadequate information; (2) be placed on hold pending submittal of requested information; or (3) accepted for documentation. If the request is accepted for documentation, the detailed review of the request will begin.

3.2 Detailed Review

The staff will determine whether the licensee has met the requirements of the Timeliness Rule. The staff will verify that: (1) the licensee has met the notification requirements of the Timeliness Rule; and (2) the licensee has provided sufficient evidence to show that the regulatory evaluation criteria described in Section 4.1 have been met.

3.3 Requests for Additional Information

Document insufficient or inadequate information submitted by the licensee and communicate what additional information is needed to address the identified deficiencies.

3.4 Safety and Environmental Review Reports

Communicate the staff's position on the safety and environmental acceptability of licensee's request, which forms the basis for the subsequent licensing action.

4. ACCEPTANCE CRITERIA

The requirements for the initiation of decommissioning are located in Part 30.36 (d) of the Timeliness Rule. Part 30.36 (d) requires that within 60 days of the occurrence of any of the following, a licensee shall provide notification to the NRC, in writing, of such occurrence, and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with NRC requirements, or submit for approval, within 12 months of notification, a decommissioning plan and begin decommissioning upon approval of that plan, if:

1. The license has expired;
2. The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements;
3. No principal activities under the license have been conducted for a period of 24 months; or
4. No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

In accordance with Part 30.36 (f), licensees can request to extend the time periods established in Part 30.36 (d). The Commission may grant requests to extend the time periods established

in 30.36 (d) if the Commission determines that this relief is: (1) not detrimental to the public health and safety and (2) is otherwise in the public interest.

The "Statement of Considerations" for the Timeliness Rule, published in the Federal Register, Volume 590, No. 135, July 15, 1994, states that the staff will also evaluate a licensee's request to extend the time period established for initiation of decommissioning against the five criteria identified in Part 30.36(h). Although the criteria in Part 30.36(h) are intended for evaluating a licensee's request to extend the time period for completion of decommissioning, and are generally not intended for evaluating alternate schedules for initiating decommissioning under 30.36(f), the staff will consider these criteria to the extent applicable to the situation.

4.1 Regulatory Evaluation Criteria

4.1.1 Notification Requirements of the Timeliness Rule

A request to extend the time period established for initiation of decommissioning will be accepted if it includes: (1) the date that principal activities at the site, separate building or outdoor area ceased, as provided for in Sections 30.36 (d)(3) and 30.36 (d)(4); (2) the date a request for an extension of the time period is required, as provided for in Section 30.36 (f); (3) length of postponement requested; (4) whether a decommissioning plan will ultimately be required for the site; and (5) sufficient information to demonstrate that an extension of the time period for initiation of decommissioning will meet the requirements of Section 30.36 (f).

4.1.2 Evidence that an Extension of the Time Period Will Not be Detrimental to Public Health and Safety

To demonstrate that delaying the start of decommissioning will not be detrimental to public health and safety, a licensee should:

- a. Submit the health and safety plan that will be in effect during the standby period. If the current health and safety plan will remain in effect during standby, state when it was submitted and when the NRC approved Health and Safety Plans will be reviewed in accordance with Section 10 of the SRP for Decommissioning.
- b. Discuss its record of regulatory compliance. This may be accomplished by presenting the results of NRC, U.S. Environmental Protection Agency, and State inspections for the past 5 years, at the site.

4.1.3 Demonstration that an Extension of the Time Period for Initiation of Decommissioning is Otherwise in the Public Interest

Factors that may form the basis for an argument that an extension of the time period for initiation of decommissioning is otherwise in the public interest include: (1) Federal concern for the impact on the domestic uranium mining industry; (2) future need for services provided by material licensees to the electric utility industry; (3) future needs of the national defense industry; (4) a substantial increase in the efficiency of decommissioning thus reducing anticipated dose to workers; and (5) reduced decommissioning costs for Federal facilities. This list is not meant to be exhaustive. There are likely to be other valid licensee specific arguments for extending the time period established for decommissioning. NRC's determination of what is

in the public interest will not be based solely on what is in the applicant's best economic interests, because the applicant's economic interest and the public's interest may not necessarily coincide. To support a request for an extension of the time period in 10 CFR 30.36 (d), a licensee should provide:

- a. The reason the licensee is requesting an extension of the time period for initiation of decommissioning schedule, and an explanation of how the public's interest will be served by NRC approval of the extension. For example, licensees who request to go on standby rather than decommission, could address whether decommissioning of the facility will require dismantlement, such that the facility will no longer be available for nuclear purposes. In addition, licensees should demonstrate that the facilities will not significantly deteriorate during the standby period. Facilities should be sufficiently maintained such that they may become operational without extensive repairs, and decommissioning is not significantly more complex at a later date.

Operators of Federal facilities could explain how an extension of the time period for initiation of decommissioning would better take into account a broader Federal plan for decommissioning, that establishes priority, funding, and schedules, thereby reducing the public funds needed for decommissioning the facility;

- b. A discussion of the current decommissioning cost estimate and the potential for increased decommissioning costs if the extension of the time period is approved. The licensee should also provide evidence of adequate financial surety for the ultimate decommissioning of the site. Financial surety documentation will be reviewed in accordance with Section 15 of the SRP for Decommissioning;
- c. A discussion of: (1) the extent and nature of contamination and the potential for migration by airborne or groundwater pathways and (2) the plan for monitoring and maintaining the site, separate building, or outdoor area during the extension period. The plan should be sufficiently detailed to demonstrate that public and worker health and safety and the environment will not be negatively affected during the extension period. The operating maintenance and radiation protection programs previously approved by NRC may be continued during the extension period. The plan should also demonstrate that the applicant will conduct sufficient monitoring, during the extension period, to assure that residual contamination does not become a public nor a worker health and safety issue.

5.0 EVALUATION FINDINGS

5.1 Introduction

The staff's review should verify that sufficient information has been provided in the licensee's request to satisfy the requirements of the Timeliness Rule and the information is consistent with the guidance in this SRP. On this basis, the staff should be able to conclude that this evaluation is complete and acceptable.

Findings will consist of a brief discussion of: (1) whether the licensee has met its notification requirements under the Timeliness Rule; (2) the rationale for accepting or rejecting licensee's evidence that public health and safety will be adequately protected; (3) the rationale for accepting or rejecting the licensee's demonstration that an extension of the time period for initiation of decommissioning is in the public's interest; and (4) the basis for concluding that there will be sufficient financial assurance to complete decommissioning at the time of license termination.

5.2 Sample Evaluation Findings

The staff has reviewed the licensee's request to extend the time periods established in Part 30.36 (d), according to the SRP entitled, "Licensee Requests to Extend the Time Period Established for Initiation of Decommissioning Activities."

[The Licensee] ceased principal activities at the site on [date]. The NRC received a request to extend the time period established for initiation of decommissioning by [number] years, on [date], in accordance with the requirements of Part 30.36 (f). [The Licensee] has acknowledged that a decommissioning plan will be required to decommission the site before to license termination.

The Health and Safety Plan submitted [or referenced] by [the Licensee] is adequate to ensure that public health and safety will be protected during the extension period. In addition, results of past inspections indicate that [the Licensee] can successfully implement its operational health and safety plan.

[The Licensee] has secured financial surety equal in amount to the decommissioning cost estimate the NRC approved. Provisions have been made to vary the amount of financial surety if necessary, to cover changing decommissioning costs with time.

The monitoring and maintenance plan submitted by [Licensee] is adequate to ensure that worker and public health and safety, and the environment, will not be negatively affected during the extension period.

It is in the public's interest to allow [Licensee] to extend the time period established for initiation of decommissioning for a period of time, not to exceed [X] years, for the following reason(s). [INSERT REASON.] [Examples: the standby period will allow economic conditions in the uranium market to improve. Existing statutes oblige the Secretary of Energy to gather information on the uranium mining industry and to have a continuing responsibility for the domestic industry, to encourage the use of domestic uranium. See 42 U.S.C. 2201b and 2296b-3. Although this responsibility is not NRC's, we recognize that the viability of the industry is a Federal concern, or an alternate schedule involving some of the Federal licensee's other facilities would better take into account the Federal licensee's overall decommissioning needs, thereby reducing public funds needed for the ultimate decommissioning of the facility, etc.]

The evaluation finding letter to the licensee should also state that within 60 days of the termination of the extension period, the licensee must notify NRC in writing of such occurrence, and either begin decommissioning at its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area` is suitable for release in accordance with NRC requirements, or submit within 12 months of notification a

decommissioning plan, if required by Section 30.36 (g)(1), and begin decommissioning upon approval of that plan.

6. REFERENCES

U.S. Code of Federal Regulations:

1. 10 CFR Part 30 - "Rules of General Applicability to Domestic Licensing of Byproduct Material."
2. 10 CFR Part 40 - "Domestic Licensing of Source Material."
3. 10 CFR Part 70 - "Domestic Licensing of Special Nuclear Material."
4. 10 CFR Part 72 - "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste."

RESPONSE TO PUBLIC COMMENTS ON DRAFT STANDARD REVIEW PLAN: LICENSEE REQUESTS TO DELAY INITIATION OF DECOMMISSIONING ACTIVITIES

Comment 1

It appears that the SRP has imposed a regulatory requirement that could make the licensee's ability to gain a delay extremely difficult. In Section 4.1.3 the NRC uses the approval criteria that "(1) the alternative schedule provides a benefit to the public." This is a departure from the regulation (10 CFR Part 30.36(f)), which states "The Commission may grant a request to delay or postpone initiation of the decommissioning process if the Commission determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest." This wording is consistent with the regulatory mandate to the NRC, protection of the public health and safety, while a criterion of "providing a benefit to the public" is clearly more nebulous and potentially significantly broader than either the statutory authority of the NRC or the content of the regulation for which the SPR has been written. Therefore, this criterion should be removed from the SRP.

Response

Section 30.36(f) states that, "The Commission may grant a request to extend the time periods ... if the Commission determines that this relief is not detrimental to public health and safety and is otherwise in the public interest." Paragraph one of Section 4.1.3 describes the information necessary to make a determination that delaying the start of decommissioning is "otherwise in the public interest."

Resolution

NRC and Stakeholders agreed to resolve this comment by revising Section 4.1.3, paragraph 1. The phrase, "benefit to the public" will be replaced by "in the public interest."

Comment 2

Section 4.1.3, Item (a): The last phrase of the last sentence ("*...thereby reducing the public funds needed for decommissioning the facility...*") seems to suggest that public funds rather than the financial assurances provided by the licensee by means of the Decommissioning Funding Plan (DFP) will be required. This may be the case in the event of bankruptcy of the licensee, but we don't think the SRP should convey the impression that the public should fund site decommissioning. In the case of bankruptcy there should be no reason for delaying decommissioning. Therefore this should be deleted from the SRP.

Response

We disagree that this phrase should be deleted from the SRP. The last sentence in Section 4.1.3 (a) states that, "Operators of Federal Facilities could explain how an alternate decommissioning schedule would better take into account a broader Federal plan for decommissioning which establishes priority, funding, and schedules, thereby reducing the public funds needed for decommissioning the facility." Since public funds are used to pay for the decommissioning of "Federal" facilities, we believe this phrase should remain in the SRP.

Resolution

NRC and Stakeholders agreed to resolve this comment by making the last sentence of Section 4.1.3 (a) a separate paragraph in the SRP. This revision will more clearly indicate that public funds are used to decommission federal facilities and not all facilities.

Comment 3

Section 4.1.3, Item (d): The first item to be discussed ("*...extent and nature of contamination...*") will most likely not be well known before the Decommissioning Plan (DP) is prepared. Any discussion of the extent and nature of the contamination should rely on the records of unusual events or accidents rather than the results of detailed soil and ground water sampling programs that will be required as part of the DP development. We suggest that this Item (1) be clarified to limit the expectations of the NRC reviewer on contamination data.

Response

We do not believe clarification is needed to limit the expectations of the NRC reviewer on contamination data. Section 4.1.3 (d) states that the licensee should provide "a discussion of: (1) the extent and nature of contamination and the potential for migration by airborne or groundwater pathways; and (2) the plan for monitoring and maintaining the site, separate building, or outdoor area during the standby period. The plan should be sufficiently detailed to demonstrate that public and worker health and safety and the environment will not be negatively affected during the standby period."

Resolution

NRC staff and Stakeholders could not reach a detailed agreement on how to resolve this comment. The staff and Stakeholders agreed that a licensee must present **sufficient** information on the extent and nature of contamination at the site to support the plan for monitoring and maintenance at the site during the standby period. In addition, a licensee should present the information necessary to demonstrate that public and worker health and safety and the environment will not be negatively affected during the standby period. The staff and Stakeholders agreed to determine what is "sufficient" on a case by case basis.

Comment 4

Section 5.2, Paragraph 5: Suggests that decommissioning costs will always rise. New technologies have and will result in a decrease in anticipated decommissioning costs. We recommend the last sentence of this paragraph be revised to read: "*...vary the amount of financial surety during standby, if necessary, to cover changing decommissioning costs with time...*" The licensee will be making periodic updates to the DFP and financial assurances.

Response

We believe it is optimistic to assume that decommissioning costs will decrease in the future due to new technologies. However, the second sentence in paragraph four of Section 5.2 will be revised as requested to address the potential for decreasing decommissioning costs.

Resolution

NRC and Stakeholders agreed to resolve this comment by revising the sentence to read, "Provisions have been made to vary the amount of financial surety during standby, if necessary, to cover changing decommissioning costs with time."

Comment 5

Section 4, Final Paragraph: (grammatical note only): replace "alternative" by "alternate" in the final sentence.

Response

Section 4, final paragraph will be revised as requested.

Resolution

NRC and Stakeholders agreed to resolve this comment by revising Section 4, final paragraph, as requested.

Comment 6

The title of the document is not clearly indicative of the subject matter covered. The title only refers to "Initiation of Decommissioning Activities" yet the document also covers requests under Part 30.36(f) to extend the period for completion of decommissioning.

Response

This SRP is intended to address licensee requests to delay initiation of decommissioning only. Section 30.36 (f), allows the Commission to grant a request to extend the time periods established in Section 30.36 (d) if the Commission determines that the relief is not detrimental to public health and safety and is otherwise in the public interest. Section 30.36 (d) deals with initiation of the decommissioning process.

Section 30.36 (h)(2)(i) is the section of the rule which addresses schedules for the completion of decommissioning activities. The only SRP reference to Section 30.36 (h) is found in Section 4. Section 4 of the SRP states that although the criteria in Section 30.36 (h) are intended for evaluating a licensee's request to delay completion of decommissioning, and are not intended for evaluating alternate schedules for initiating decommissioning under Section 30.36 (f), the staff will consider these criteria to the extent applicable in evaluating the licensee's requests to delay initiation of decommissioning.

Resolution

NRC and Stakeholders agreed to resolve this comment by making the following revisions to the SRP to clarify the intent of the paper: (1) a sentence which reads, "Specifically, the requirements for the initiation of decommissioning are located in Section 30.36 (d)" will be added to Section 2 of the SRP; (2), the title of Section 4.1.3 of the SRP will be revised to read, "Demonstration that an Extension of the Time Period for Initiation of Decommissioning is Otherwise in the Public Interest."

Comment 7

Section 3 REVIEW PROCEDURES - This section references the "Guidance Document for Streamlining the Decommissioning Program for Fuel Cycle and Material Licensees". A more specific reference number or source should be provided to aid the licensee in obtaining a copy for reference.

Response

Reference to the document will be removed from the SRP.

Resolution

NRC and Stakeholders agreed to resolve this comment by removing the reference to the "Guidance Document for Streamlining the Decommissioning Program for Fuel Cycle and Material Licensees" from the SRP.

Comment 8

Section 3.1 Acceptance Review - No time frame is provided within which the NRC would complete the acceptance review of the submittal. This situation makes logical planning by the licensee nearly impossible since the time required for completion of the review by the NRC is an unknown factor. Westinghouse suggests that 30 days from date of receipt should be adequate time for the NRC to complete the Acceptance Review. This section should also specify that the notification to the licensee should be in writing. The format for such a letter to the licensee should be as part of the Standard Review Plan.

Response

Office of Nuclear Material Safety and Safeguards (NMSS) internal guidance states that licensees should be notified in writing of the acceptance review determination within 30 days of receipt of the request. We do not believe it is necessary to restate internal guidance.

Resolution

The Stakeholders agreed that NRC's response satisfactorily resolved the comment.

Comment 9

Section 3.2 Detailed Review - The same comments as noted above apply here regarding the need for a specific time frame for completion of this detailed review. Westinghouse suggests that 6 months from the date of receipt should be adequate time for the NRC to complete the Detailed Review. If the NRC cannot adhere to the set schedule, then the NRC should provide the licensee with a written notification of the anticipated time for completion of the detailed review and the reason(s) for the delay.

Response

NMSS internal guidance states that licensees should be notified in writing of the acceptance review determination within 30 days of receipt of the request. This guidance also states that the acceptance letter shall contain a schedule for the pending detailed review, including intermediate milestones and completion date. The staff is also directed to complete license amendments within 180 days. However, this schedule is not a rigid schedule and individual circumstances, such as changing priorities, a request for a hearing or need for an environmental assessment, may dictate a different schedule.

Resolution

The Stakeholders agreed that NRC's response satisfactorily resolved the comment.

Comment 10

Section 4.1.2 Evidence of Adequate Public Health and Safety - This title should be "Evidence that Delay is Not Detrimental to Public Health and Safety".

Response

Section 4.1.2 will be renamed as suggested.

Resolution

NRC and Stakeholders agreed to resolve this comment by changing the title of Section 4.1.2, to "Evidence that Delay is Not Detrimental to Public Health and Safety".

Comment 11

Section 4.1.3 - The first paragraph of this section uses the approval criteria that "(1) the alternate schedule provides a benefit to the public" (emphasis added). The use of these words appears to be a major departure from the words in the Part 30.36(f) that "The Commission may grant a request to extend the time periods if the Commission determines that this relief is not detrimental to public health and safety and is otherwise in the public interest." Demonstration that there is a "benefit to the public" appears to raise an almost insurmountable hurdle for the commercial industry. The examples provided in the second paragraph are primarily associated with national needs. It is not conceivable how a licensee can decisively demonstrate that either a delayed start or alternate time for completion of decommissioning is a "benefit to the public" since it generally is perceived as a benefit to the licensee. It is more reasonable to ask the licensee to demonstrate that the delay is not detrimental to the public health and safety. Furthermore, the sentence that states that "what is in the public interest will not be based solely on what is in the applicant's economic interest" would appear to make this economic reality of no significance to the NRC's considerations. In summary, the requirement for the licensee to demonstrate "a benefit to the public" goes beyond the words used in the regulations and appears to foreclose the possibility of a licensee obtaining an approval within these criteria.

Response

As noted above, Section 30.36(f) states that, "The Commission may grant a request to extend the time periods if the Commission determines that this relief is not detrimental to public health and safety and is otherwise in the public interest." Paragraph one of Section 4.1.3 describes the information necessary to make a determination that delaying the start of decommissioning is "otherwise in the public interest." Section 4.1.3 will be revised to read that in order for the delay to be "in the public interest" it should not have a negative impact on the public, not result in the expenditure of additional public funds, and not be detrimental to public and worker health and safety, and the environment.

Resolution

NRC and Stakeholders agreed to resolve this comment by revising Section 4.1.3, paragraph 1. The phrase, "benefit to the public" will be replaced by "in the public interest."