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NRC Releases Draft Regulatory Basis for Decommissioning Rule

The Nuclear Regulatory Commission is making publicly available a pre-publication draft regulatory basis for a future power reactor decommissioning rule.

A notice regarding the draft regulatory basis will be published in the *Federal Register* later this month, initiating a 90-day public comment period. The preliminary draft document is now publicly available on [the NRC website](#) to facilitate discussion during the agency's annual Regulatory Information Conference, scheduled for March 14-16. The conference includes a March 15 technical session on power reactor decommissioning.

The NRC published an "advance notice of proposed rulemaking" on this matter in November 2015, seeking public comment on a number of areas to be considered during the rulemaking process. The rule would establish clear requirements for commercial power reactors transitioning to decommissioning. The draft regulatory basis draws upon comments submitted in response to the ANPR.

In the draft regulatory basis, the NRC staff concludes there is sufficient justification to proceed with rulemaking in the areas of emergency preparedness, physical security, decommissioning trust funds, offsite and onsite financial protection requirements and indemnity agreements, and application of the backfit rule. The staff suggests guidance, rather than rulemaking, should be used to address the role of state and local governments in the decommissioning process, the level of NRC review and approval of a licensee's post-shutdown decommissioning activities report, and whether to revise the 60-year limit for power reactor decommissioning.

The NRC staff is seeking additional public input before making recommendations on cyber security, drug and alcohol testing, minimum staffing and training requirements for certified fuel handlers, aging management, and fatigue management. That additional input, as well as comments received on the draft document, will be considered as the staff develops the final regulatory basis, expected to be published in late 2017. That document will be used in developing a proposed rule to be provided to the Commission in the spring of 2018. The NRC staff expects to provide a draft final rule to the Commission in fall 2019.