

Dated at Rockville, Maryland, this 12th day of August, 2019.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

*Chief, Renewals and Materials Branch,
Division of Spent Fuel Management, Office
of Nuclear Material Safety and Safeguards.*

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NUCLEAR REGULATORY COMMISSION

[NRC-2019-0132]

Standard Review Plan for Spent Fuel Transportation

AGENCY: Nuclear Regulatory
Commission.

ACTION: Draft NUREG; request for
comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) requests public comment on draft NUREG-2216, Revision 0, "Standard Review Plan for Spent Fuel Transportation". This Standard Review Plan (SRP) provides guidance to NRC staff for reviewing an application for package approval. NRC approval of a package design typically results in issuance of a certificate of compliance (CoC) or a letter amendment for a transportation package. This draft SRP will replace NUREG-1609, "Standard Review Plan for Transportation Packages for Radioactive Material", NUREG-1617, "Standard Review Plan for Transportation Packages for Spent Nuclear Fuel", and all Interim Staff Guidance (ISGs) that were used to enhance these NUREGs.

DATES: Submit comments by September 30, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2019-0132. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301-287-9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION**

CONTACT section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments,

see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Jeremy Smith, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7308; email: Jeremy.Smith@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2019-0132 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov>; and search for Docket ID NRC-2019-0132.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. Draft NUREG-2216, Revision 0, "Standard Review Plan for Spent Fuel Transportation" is available in ADAMS under Accession No. ML19214A229.

- *NRC'S PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2019-0132 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov/> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly

disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

The NRC utilizes information that is currently contained in multiple documents (NUREG-1609, NUREG-1617, and numerous ISGs) to assist the NRC staff in its reviews of packages containing radioactive material. The NRC's intent in combining and updating these documents into one document is to assist NRC staff in its reviews by promoting a consistent regulatory review of transportation packages; by promoting quality and uniformity of these reviews across each technical discipline; presenting a basis for the review's scope; identifying acceptable approaches to meeting regulatory requirements; and suggesting possible evaluation findings that can be used in the safety evaluation report for applications submitted under part 71 of title 10 of the *Code of Federal Regulations* (10 CFR).

III. Discussion

This SRP provides guidance to the NRC staff for reviewing an application for a package approval issued under 10 CFR part 71, "Packaging and Transportation of Radioactive Material." NRC approval of a package design typically results in issuance of a CoC or a letter amendment for a transportation package.

The objectives of this SRP are to assist the NRC staff in its reviews by:

- Providing a basis that promotes uniform quality and a consistent regulatory review of an application for a CoC for a transportation package.
- presenting a basis for the review's scope.
- identifying acceptable approaches to meeting regulatory requirements.
- suggesting possible evaluation findings that can be used in the safety evaluation report.

This SRP may be revised and updated as the need arises on a chapter-by-chapter basis to clarify the content, correct errors, or incorporate modifications approved by the Director of the NRC Division of Spent Fuel Management.

Proposed Action

By this action, the NRC is requesting public comments on draft NUREG-2216, Revision 0. The NRC invites comments on all portions of this Standard Review Plan that the

commenter thinks the NRC should consider. The NRC will make a final determination regarding issuance of the NUREG after it considers any public comments received in response to this request.

Dated at Rockville, Maryland, this 12th day of August, 2019.

For the Nuclear Regulatory Commission.

Michael C. Layton,

*Director, Division of Spent Fuel Management,
Office of Nuclear Material Safety and
Safeguards.*

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-275 and 50-323; NRC-2019-0131]

Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions in response to a December 13, 2018, request from Pacific Gas and Electric Company (PG&E, the licensee) for Diablo Canyon Nuclear Power Plant (Diablo Canyon), Units 1 and 2. One exemption would allow the licensee to use an amount of funds from the Diablo Canyon Nuclear Decommissioning Trust (NDT) for decommissioning planning above the amount limitations specified in NRC's regulations. Another exemption would allow the licensee to use withdrawals from the NDT to fund planning activities associated with spent fuel management and site restoration. The NRC staff is issuing a final environmental assessment (EA) and final finding of no significant impact (FONSI) associated with the proposed exemptions.

DATES: The EA and FONSI referenced in this document are available on August 16, 2019.

ADDRESSES: Please refer to Docket ID NRC-2019-0131 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2019-0131. Address

questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301-287-9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Balwant K. Singal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-3016, email: Balwant.Singal@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of exemptions from sections 50.82(a)(8)(i)(A) and 50.82(a)(8)(ii) of title 10 of the *Code of Federal Regulations* (10 CFR) for Facility Operating License Nos. DPR-80 and DPR-82, issued to PG&E for operation of Diablo Canyon, Units 1 and 2, located in San Luis Obispo, California. The licensee requested the exemptions by letter dated December 13, 2018 (ADAMS Accession No. ML18347B552) pursuant to 10 CFR 50.12. In accordance with 10 CFR 51.21, the NRC prepared the following EA that analyzed the environmental impacts of the proposed licensing action. Based on the results of this EA that follow, and in accordance with 10 CFR 51.31(a), the NRC has determined not to prepare an environmental impact statement for these exemption requests and is issuing a FONSI.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would exempt PG&E from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.82(a)(8)(ii). One exemption would

allow the licensee to use an amount of funds from the Diablo Canyon NDT for decommissioning planning above the amount limitations specified in NRC regulations for operating reactors. Another exemption would allow the licensee to use withdrawals from the NDT for planning activities associated with spent fuel management and site restoration. Overall, the proposed action would allow PG&E to withdraw \$187.8 million (\$2017)¹ from the Diablo Canyon NDT to fund radiological decommissioning, spent fuel management, and site restoration planning activities necessary prior to permanent cessation of operations of Diablo Canyon, Units 1 and 2, in 2024 and 2025, respectively. The proposed action is in accordance with the licensee's application dated December 13, 2018.

Need for the Proposed Action

By letter dated November 27, 2018 (ADAMS Accession No. ML18331A553), PG&E informed the NRC of its intention to permanently cease operation of Diablo Canyon, Units 1 and 2, on November 2, 2024, and August 26, 2025, respectively.

The requirements of 10 CFR 50.82(a)(8)(ii) restrict the use of NDT for decommissioning planning for operating reactors to three percent of the generic minimum decommissioning amount calculated, consistent with a formula set forth by the regulations at 10 CFR 50.75. Furthermore, as required by 10 CFR 50.82(a)(8)(i)(A), decommissioning trust funds may be used by the licensee if the withdrawals are for legitimate decommissioning planning activities, consistent with the definition of decommissioning in 10 CFR 50.2. This definition addresses radiological decontamination and does not include activities associated with irradiated fuel management or site restoration activities. Therefore, these regulations would limit withdrawal from the Diablo Canyon NDT to \$37.2 million (\$18.6 million per unit) and would allow spending only on planning activities for radiological decommissioning.

PG&E has estimated that a total of \$187.8 million (\$2017) would be required to be spent on pre-shutdown planning activities; \$148.4 million would be for radiological decommissioning, and \$39.4 million would be for spent fuel management and site restoration planning activities.

¹ In its application, PG&E submitted the decommissioning costs in 2017 dollars to be consistent with presentation of a year-end asset balance in the NDT. If the NRC grants the exemptions, funds would be withdrawn from the NDT in nominal (current) dollars.