



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 21, 2013

SEE ATTACHED LIST OF ADDRESSEES

SUBJECT: CLARIFICATION REGARDING THE TIMING OF SUBMITTAL OF A
DECOMMISSIONING FUNDING PLAN PER TITLE 10 OF THE *CODE OF
FEDERAL REGULATIONS* SECTION 72.30(b) FOR FUTURE INDEPENDENT
SPENT FUEL STORAGE INSTALLATIONS

The purpose of this letter is to provide clarification regarding the timing of submittal of a decommissioning funding plan, per the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 72.30(b), to licensees who do not yet have an operating Independent Spent Fuel Storage Installation (ISFSI). As you are either planning for an ISFSI at your site, or may plan for an ISFSI in the future but have not announced plans to do so, you are being sent this letter for your information and ISFSI planning. This letter does not require any specific action or written response on the part of the addressees.

The Decommissioning Planning Final Rule (76 FR 35512; June 17, 2011) revised decommissioning financial assurance requirements in 10 CFR 72.30. The rule became effective on December 17, 2012. The revised 10 CFR 72.30(b) requires holders of, or applicants for, 10 CFR Part 72 licenses to submit a decommissioning funding plan for U.S. Nuclear Regulatory Commission (NRC) review and approval. The revised requirements in 10 CFR 72.30(b) are applicable to both specific-licensed and general-licensed ISFSIs under 10 CFR Part 72. By December 17, 2012, the effective date of the Decommissioning Planning Final Rule, existing ISFSI licensees were required to submit a decommissioning funding plan for NRC review and approval.

For 10 CFR Part 72 specific license applicants, a decommissioning funding plan must be provided to the NRC at the time of license application, consistent with 10 CFR 72.30(b) and the guidance in NUREG-1567, "Standard Review Plan for Spent Fuel Dry Storage Facilities" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML003686776).

For 10 CFR Part 72 general licensees, there is no associated license application. Rather, under 10 CFR 72.210, a general license is issued for the storage of spent fuel in an ISFSI at power reactor sites to persons authorized to possess or operate a reactor under 10 CFR Part 50 or Part 52. Also, 10 CFR 72.30(b) does not include a submission date by which future Part 72 general licensees (i.e., licensees whose Part 72 general license commences after December 17, 2012, the effective date of the Decommissioning Planning Final Rule) must submit a decommissioning funding plan. Therefore, consistent with the general license commencement date in 10 CFR 72.212(a)(3), general licensees should submit a decommissioning funding plan to the NRC no later than the date that the general licensee first uses a spent fuel storage cask to store spent fuel.

The Decommissioning Planning Final Rule may be accessed at <http://www.gpo.gov/fdsys/pkg/FR-2011-06-17/pdf/2011-14267.pdf>. Guidance on financial assurance and compliance with 10 CFR 72.30(b) is provided in NUREG-1757, Vol. 3, Rev. 1,

"Consolidated Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness," located at ADAMS Accession No. ML12048A683. Note that NUREG-1757, Vol. 3, Rev. 1, includes guidance on funding methods, but it may not include all of the funding methods approved for use by certain ISFSI licensees, such as ISFSI licensees who are issued a power reactor license under 10 CFR Part 50, or ISFSI licensees who are an electric utility, as defined in 10 CFR Part 50, with a specific license under 10 CFR Part 72. Guidance on additional funding methods that may be applicable to these licensees is provided in Regulatory Guide 1.159, "Assuring the Availability of Funds for Decommissioning Nuclear Reactors," available at ADAMS Accession No. ML112160012.

If you have any questions regarding this letter, you may contact me at (301) 287-0673, or Kristina Banovac of my staff at (301) 287-0686 or Kristina.Banovac@nrc.gov.

Sincerely,



Mark Lombard, Director
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

cc: Listserv

Zion Service List

Mr. Rod McCullum
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

Mr. Kristopher Cummings
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

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Sincerely,

Mark Lombard, Director
 Division of Spent Fuel Storage and Transportation
 Office of Nuclear Material Safety
 and Safeguards

cc: Listserv
 Zion Service List
 Mr. Rod McCullum
 Nuclear Energy Institute
 1201 F Street NW, Suite 1100
 Washington, DC 20004
 Mr. Kristopher Cummings
 Nuclear Energy Institute
 1201 F Street NW, Suite 1100
 Washington, DC 20004

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OFC	NMSS/SFST	NMSS/SFST	NMSS/SFST	NMSS/SFST	FSME/DWMEP
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DATE	7 / 3 /13	7 / 8 /13	7 / 11 /13	7 / 10 /13	7 / 18 /13
OFC	NRR/DIRS	FSME/DWMEP	NRR/DORL	OGC	NMSS/SFST
NAME	CRegan	BWatson	MEvans	AGendelman <i>via email</i>	MLombard <i>[Signature]</i>
DATE	7 / 23 /13	7 / 18 /13	8 / 7 /13	8 / 15 /13	8 / 21 /13

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AKH 8/10

Individual letter sent to each of the following addressees:

Beaver Valley Power Station

Mr. Eric A. Larson
Beaver Valley Power Station
P. O. Box 4, Route 168
Shippingport, PA 15077

Callaway Plant

Mr. Adam C. Heflin
Senior Vice President and Chief Nuclear
Officer
Union Electric Company
Ameren Missouri
P.O. Box 620
Fulton, MO 65251

Clinton Power Station

Mr. Michael J. Pacilio
Senior Vice President
Exelon Generation Company, LLC
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Rd.
Warrenville, IL 60555

Crystal River Nuclear Generating Plant

Mr. Terry D. Hobbs
Crystal River Nuclear Plant (NA2C)
15760 West Power Line Street
Crystal River, FL 34428-6708

Fermi

Mr. Joseph H. Plona
Senior VP and Chief Nuclear Officer
Detroit Edison Company
Fermi 2 - 210 NOC
6400 North Dixie Highway
Newport, MI 48166

Pilgrim Nuclear Power Station Unit No. 1

Mr. John Dent, Jr.
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360-5508

Shearon Harris Nuclear Power Plant

Mr. George T. Hamrick
Vice President
Carolina Power and Light Company
Shearon Harris Nuclear Power Plant
P.O. Box 165, Mail Zone 1
New Hill, NC 27562-0165

South Texas Project

Mr. Dennis L. Koehl
President and CEO/CNO
STP Nuclear Operating Company
South Texas Project Electric Generating
Station
P.O. Box 289
Wadsworth, TX 77483

Three Mile Island, Unit 1

Mr. Michael J. Pacilio
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Virgil C. Summer Nuclear Station

Mr. Thomas D. Gatlin
Vice President, Nuclear Operations
South Carolina Electric & Gas Company
Virgil C. Summer Nuclear Station
Post Office Box 88, Mail Code 800
Jenkinsville, SC 29065

Vogtle Electric Generating Plant

Mr. C.R. Pierce
Regulatory Affairs Director
Southern Nuclear Operating Co., Inc.
P.O. Box 1295/Bin 038
Birmingham, AL 35201

Watts Bar Nuclear Plant, Units 1 and 2

Mr. Joseph W. Shea
Vice President, Nuclear Licensing
Tennessee Valley Authority
3R Lookout Place
1101 Market Street, LP 3D-C
Chattanooga, TN 37402-2801

Wolf Creek Generating Station

Mr. Matthew W. Sunseri
President and Chief Executive Officer
Wolf Creek Nuclear Operating Corporation
P.O. Box 411
Burlington, KS 66839

Zion

Mr. Patrick T. Daly
Senior Vice President and General Manager
ZionSolutions, LLC
101 Shiloh Blvd.
Zion, IL 60099-2797

Ms. Pamela B. Cowan
Director, Spent Fuel & Decommissioning
Exelon Generation
200 Exelon Way
Kennett Square, PA 19348

Mr. Jeffrey Dunlap
Manager, Spent Fuel & Decommissioning
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60189

Zion Nuclear Power Station, Units 1 and 2 Service List

cc:

Patrick T. Daly
Senior Vice President and General Manager
ZionSolutions, LLC
101 Shiloh Blvd.
Zion, IL 60099-2797

Patrick Thurman, Esq.
VP Regulatory Affairs, Licensing and
Document Control
ZionSolutions, LLC
101 Shiloh Blvd.
Zion, IL 60099-2797

Gary Bouchard
VP Engineering, Ops & Nuclear Security
and Decommissioning Plant Manager
ZionSolutions, LLC
101 Shiloh Blvd.
Zion, IL 60099

Alan Parker
President Projects Group
EnergySolutions
800 Oak Ridge Turnpike, Ste. A-402
Oak Ridge, TN 37830

John Christian
President of the Logistics, Processing and
Disposal Group
EnergySolutions
1750 Tysons Boulevard, Suite 1500
McLean, VA 22102

Thomas Magette
Senior VP Nuclear Regulatory Strategy
EnergySolutions
6350 Stevens Forest Road, Ste. 2000
Columbia, MD 21046

Russ Workman
General Counsel
EnergySolutions
423 West 300 South, Suite 200
Salt Lake City, UT 84101

Mayor of Zion
Zion, IL 60099

Mr. Kent McKenzie, Emergency
Management Coordinator
Lake County Emergency Management
Agency
1303 N. Milwaukee Avenue
Libertyville, IL 60048-1308

Regional Administrator
U.S. NRC, Region III
2443 Warrenville Road
Lisle, IL 60532-4352

John E. Matthews
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Matias F. Travieso-Diaz
Pillsbury Winthrop Shaw Pittman LLP
2300 N St., N.W.
Washington, D.C. 20037

Tom Rielly, Executive Principal
Vista 360
649 Innsbruck
Libertyville IL 60048

Director Spent Fuel & Decommissioning
Strategy
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

J. Bradley Fewell
Associate General Counsel
Exelon Corporation, LLC
4300 Winfield Rd.
Warrenville, IL 60555

Document Control Desk - Licensing
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555