

**Clarification of Decommissioning Funding Requirements Parts 30,40,70**

(60 FR 38235) RATS ID 1995-6 Effective 11/24/95

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§30.35 (b)(2)	Financial assurance and recordkeeping for decommissioning.		H&S	<p><b>Amended Paragraph (b)(2):</b>                      (b)(2) Submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by paragraph (d) of this section using one of the methods described in paragraph (f) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section must be submitted to NRC before receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.</p>			
§30.35	Financial assurance and recordkeeping for decommissioning		D	<p><b>Amended Paragraphs (c)(2),(c)(3), and (e). Paragraph (c)(4) has been added.</b></p>	N/A		

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	(By Product Material)						
§30.36	<p>Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas</p> <p>(By Product Material)</p>		H&S	<p><b>Added Paragraph (e):</b>  (e) Coincident with the notification required by paragraph (d) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to Sec. 30.35 in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (g)(4)(v) of this section.</p> <p>(1) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so when this rule becomes effective November 24, 1995.</p> <p>(2) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Commission.</p>			
§40.36 (b)(2)	Financial assurance and recordkeeping for de-		H&S	<p><b>Amended Paragraph (b)(2):</b>  (b)(2) Submit a certification that financial assurance for decommissioning has been provided</p>			

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	commissioning (Source Material)			<p>in the amount of \$150,000 using one of the methods described in paragraph (e) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section must be submitted to NRC prior to receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section.</p>			
§40.36 (d)	Financial assurance and recordkeeping for de-commissioning (Source Material)		H&S	<p><b>Amended Paragraph (d):</b>  (d) Each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph (e) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. The decommissioning funding</p>			

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				<p>plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section.</p>			
<p>§40.36 (c)</p>	<p>Financial assurance and recordkeeping for de-commissioning  (Source Material)</p>		<p>D</p>	<p><b>Amended Paragraphs (c)(2)&amp;(c)(3) and added Paragraph (c)(4):</b></p>	<p>N/A</p>		

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§40.42	<p>Expiration and termination of licenses and de-commissioning of sites and separate or outdoor areas</p> <p>(Source Material)</p>		H&S	<p><b>Amended Paragraph (e):</b>  (e) Coincident with the notification required by paragraph (d) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to Sec. 40.36 in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (g)(4)(v) of this section.</p> <p>(1) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so when this rule becomes effective November 24, 1995.</p> <p>(2) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Commission.</p>			

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§70.25 (a)	Financial assurance and recordkeeping for de-commissioning (Special Nuclear Material)		NRC	<p><b>Amended Paragraph (a):</b></p> <p>(a) Each applicant for a specific license of the types described in paragraphs (a) (1) and (2) of this section shall submit a decommissioning funding plan as described in paragraph (e) of this section.</p> <p>(1) A specific license for a uranium enrichment facility;</p> <p>(2) A specific license authorizing the possession and use of unsealed special nuclear material in quantities exceeding 105 times the applicable quantities set forth in appendix B to part 30. A decommissioning funding plan must also be submitted when a combination of isotopes is involved if <math>R</math> divided by 105 is greater than 1 (unity rule), where <math>R</math> is the sum of the ratios of the quantity of each isotope to the applicable value in appendix B to part 30.</p>			

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§70.25 (b)(2)	Financial assurance and recordkeeping for decommissioning		H&S	<p><b>Amended Paragraph (b)(2):</b>            (b)(2) Submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by paragraph (d) of this section using one of the methods described in paragraph (f) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section must be submitted to NRC before receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.</p>			
§70.25	Financial assurance and recordkeeping for decommissioning (Special Nuclear Material)		D	<p><b>Amended Paragraphs (c)(2), (c)(3), and (e). Added Paragraph (c)(4):</b></p>	N/A		

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§70.38	<p>Expiration and termination of licenses and de-commissioning of sites and separate buildings or outdoor areas</p> <p>(Special Nuclear Material)</p>		H&S	<p><b>Added Paragraph (e):</b>  (e) Coincident with the notification required by paragraph (d) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to Sec. 30.35 in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (g)(4)(v) of this section.</p> <p>(1) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so when this rule becomes effective November 24, 1995.</p> <p>(2) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Commission.</p>			