



October 13, 2026

U.S. Nuclear Regulatory Commission
11555 Rockville Pike,
Rockville, Maryland 20852

Subject: Public Comment for NRC's In Situ Recovery Monitoring and Decommissioning Timeliness (Docket ID NRC-2025-1204; RIN 3150-AL48)

Dear NRC Staff,

The Nuclear Innovation Alliance (NIA) is an independent, non-profit, non-partisan “think-and-do” tank whose mission is to help create the conditions for success for new nuclear energy so it can play a major role as an energy security and climate solution. Through policy analysis, research, outreach, and education, NIA is catalyzing the next era of nuclear energy. We focus on regulatory modernization, federal and state policy, and enabling private investment to support new reactor commercialization while meeting national environmental and energy security goals.

NIA appreciates the opportunity to comment on the proposed rule, In Situ Recovery Monitoring and Decommissioning Timeliness, published on September 10, 2026. NIA commends the staff for its efforts to create more flexible decommissioning timelines. The following comments focus mostly on the decommissioning portion of the proposed rule as NIA has expertise in this area. The cross coordination of NRC and EPA is also evaluated.

Summary of key points

- NRC should clarify the duration of temporary relief from decommissioning.
- The proposed rule does not adequately address the length of time given for decommissioning of Independent Spent Fuel Storage Installations (ISFSIs). NRC should determine a better method for ISFSIs to be properly decommissioned.
- NRC should continue to use Memorandum of Understandings (MOUs) with the Environmental Protection Agency (EPA).

Decommissioning Requirements for Reactors

The proposed rule would change § 50.12 Specific exemptions to allow “only temporary relief from the timely decommissioning requirement in 50.82(a)(3) or 50.82(b)(4)(i) for cases in which site-specific factor(s) affect the licensee’s capability to complete decommissioning within that

timeframe and the extension will not adversely affect site safety for the duration of the extension period.” While clarifying the exemption process via § 50.12 is useful, the lack of a definition of "temporary" could result in some confusion. Given the NRC's position in the proposed rule is that 60 years provides sufficient time for most licensees to decommission after permanent cessation of operations, and that exemptions are not expected to be common, it would be useful for **the NRC to clarify how long temporary relief could be granted to a licensee.**

Independent Spent Fuel Storage Installations (ISFSI)

The proposed rule overlooks the decommissioning timeline for ISFSIs. The language appears to imply that the 60-year requirement would apply to ISFSIs, which does not align with the language in the NRC’s Continued Storage Rule and NUREG-2157, Generic Environmental Impact Statement (GEIS) for Continued Storage of Spent Nuclear Fuel. NUREG-2157 evaluated the potential environmental impacts over three possible timeframes: 1) a short-term timeframe - 60 years of continued storage after operation; 2) an additional 100-year timeframe, totaling 160 years; and (3) an indefinite timeframe. The evaluation was conducted in case a permanent repository was never completed, essentially forcing the site to permanently retain the spent fuel. The NRC concluded from this evaluation that the ISFSIs could safely exist beyond 60 years without decommissioning. While the Continued Storage rule and NUREG-2157 did not directly authorize licensees to store spent fuel that long, they enhanced the technical basis for NRC and licensee actions on long-term ISFSIs storage. The current proposed rule does not apply the same findings by requiring the 60-year requirement for decommissioning ISFSIs, which did not explicitly exist before. **NIA recommends allowing either an extension or exemption for ISFSIs based on the GEIS findings.**

NRC and EPA

The NRC and EPA share responsibility for oversight of uranium mill tailings. As NRC states in the preamble, the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) amended several provisions of the Atomic Energy Act. UMTRCA established how both the EPA and NRC would regulate active and decommissioning uranium milling facilities. The proposed rule preamble identifies the long history and roles of both agencies on uranium mills. In 2020, there was a Memorandum of Understanding (MOU) between the NRC and EPA, which delineated the roles and responsibilities of each agency under Title II of UMTRCA for regulating uranium in-situ recovery activities. The MOU appears to have helped create a clearer understanding for each agency. **NIA recommends continued use of MOUs or other crosswalk documents to provide clarity on roles and responsibilities. NIA also recommends that any changes made from this rule allow ample time for MOU revisions.**

NRC Request for Comment Questions

The table below provides NIA's responses to some of the NRC's specific requests for comment. NIA focused on addressing NRC questions in areas that could benefit the most from NIA expertise, so not every question is addressed. The questions are condensed for readability while preserving their substance.

Question	NIA Response
<i>Requesting Extensions to the Requirement for Timely Completion of Decommissioning for Power Reactors and Nonpower, and Utilization Facility (NPUF) Licensees</i>	
1. Does the Specific Exemptions process in §§ 50.12 and 53.080 provide the most efficiency for reactor, nonpower, and utilization facility licensees to request extensions to the timely decommissioning requirements while presenting no undue risk to public health and safety? Is there additional information NRC could provide to increase clarity in this approach? Are there unintended consequences to this approach? If so, what are the unintended consequences, and how should they be addressed?	NRC should provide additional information as to what would qualify as an acceptable reason to grant an exemption and how long the exemption would be in effect. As currently written, the proposed rule is unclear as to how long a licensee could be exempt. At a minimum, NRC should provide requirements for what is an acceptable request. Additionally, as noted in the substance of NIA's comment, the proposed rule does not appropriately consider ISFSIs and the 60-year decommissioning limit. NRC should either exempt or create streamlined exceptions for ISFSIs to forgo the 60-year limit. Alternatively, the NRC could adjust the proposed language to not include ISFSIs in the 60-year limit.
2. Are there additional site-specific factors that may affect a reactor or NPUF licensee's capability to complete decommissioning in a timely manner that NRC should consider in its guidance? Provide why the NRC should consider this factor as a substantial reason that a licensee could not complete decommissioning in a timely manner.	NIA is not aware of any additional factors but emphasizes the NRC's point that the site-specific factor that will have some of the greatest benefit is the multi-site consideration for exemptions. There have been various examples of one unit entering decommissioning long before the others at the site. For example, Indian Point Unit 1 shut down in 1974 while Units 2 and 3 continued operations until 2020. The three units had systems that overlapped and full decommissioning of Unit 1 could have risked disruption of the other two units.

3. What NRC oversight activities (e.g., inspections, reporting) would be appropriate during extended decommissioning periods for power, nonpower, or utilization facilities to ensure continued safety? Provide the basis for your response.	Subject to any other generalized improvements in oversight processes, NRC should continue the regularly scheduled decommissioning inspections to ensure continued safety. It would be worthwhile to scale inspections during extended decommissioning commensurate with ongoing licensee activities; for instance, if a facility is in an extended decommissioning, the licensee's work would likely be at a different stage than a "faster" decommissioning site. The NRC could evaluate the licensee activities to determine if there is a threshold at which less inspection would be reasonable. If NRC pursues this, they should provide clear guidance on how a licensee would qualify for fewer inspections during extended decommissioning. The NRC should maintain the expected reporting requirements.
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Conclusion

The proposed rule seeks to achieve more flexible and predictable decommissioning timelines. NIA believes that many of the proposed changes will achieve that goal. NIA thanks NRC staff, management, and the Commission for their continued efforts to develop new regulatory frameworks that will enable effective and efficient licensing. If you have any questions, please contact Miranda McGuire at mmcguire@nuclearinnovationalliance.org.

Sincerely,
Judi Greenwald
President & CEO
Nuclear Innovation Alliance