

October 25, 2010

MEMORANDUM TO: R. W. Borchardt  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-10-0084 – EXPLANATION OF  
CHANGES TO REVISION 2 TO REGULATORY GUIDE 1.159,  
"ASSURING THE AVAILABILITY OF FUNDS FOR  
DECOMMISSIONING NUCLEAR REACTORS"

The Commission has approved the issuance of Regulatory Guide 1.159 subject to the changes noted below.

The Commission has disapproved the proposed change directing merchant licensees to adjust decommissioning funds annually and within 3 months of the annual recalculation of the regulatory minimum required by 10 CFR 50.75(b). Regulatory Guide 1.159 should retain its current directive, requiring adjustment of funding amounts by merchant licensees "at least once every two years, in conjunction with the biennial report," which should be interpreted to require that shortfalls identified in a biennial report must be corrected by the time the next biennial report is due two years later.

The Commission did not support the categorical prohibition on the use of the net present value method for parent guarantees, the use of which has been previously approved by the NRC in license transfer cases. Therefore, the staff should engage stakeholders and relevant experts in a workshop to develop an option paper in 6 months for Commission consideration.

(EDO)

(SECY Suspense:

4/25/11)

Future Federal Register Notices (*FRNs*) soliciting public comments on guidance for 10 CFR 50.75 should provide a clear summary of major changes to the guidance.

cc: Chairman Jaczko  
Commissioner Svinicki  
Commissioner Apostolakis  
Commissioner Magwood  
Commissioner Ostendorff  
OGC  
CFO  
OCA  
OPA  
Office Directors, Regions, ACRS, ASLBP (via E-Mail)  
PDR