



**PRM-50-88  
(72FR46569)**

T. Moser, Chairman  
STARS Integrated Regulatory Affairs Group  
P.O. Box 620, Fulton, Missouri 65251

DOCKETED  
USNRC

Ref: PRM-50-88

November 14, 2007

STARS-07017

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

November 5, 2007

Ms. Annette L. Viette-Cook  
Secretary, U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)  
COMMENTS ON ENERGY SOLUTIONS: RECEIPT OF  
PETITION FOR RULEMAKING REGARDING USE OF  
DECOMMISSIONING TRUST FUNDS (72 FR 46569)**

Docket Number: PRM-50-88

Dear Ms. Viette-Cook,

The Strategic Teaming and Resource Sharing (STARS)<sup>1</sup> alliance provides the following comments on the subject petition for rulemaking filed with the U. S. Nuclear Regulatory Commission (NRC) by Energy Solutions.

The petitioner is requesting that the NRC amend the regulations to provide a regulatory framework that would allow licensees' decommissioning trust funds to be used for the cost of disposal of "major radioactive components" (MRCs) that have been removed from service prior to the permanent cessation of operations.

The STARS alliance strongly supports the subject petition.

<sup>1</sup> STARS consists of six plants operated by Luminant Power, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company.

The current regulations do not allow licensees to use decommissioning funds for disposal of MRCs prior to permanent cessation of operations. The proposed change to 10 CFR 50.82 to allow the use of decommissioning funds for disposal of MRCs will result in benefits for the public, the NRC, and licensees. The change also contains provisions for NRC oversight to assure that adequate funds are maintained for decommissioning after the site or plants cease to operate.

Current regulations did not consider that MRCs such as steam generators or reactor vessel heads would need to be replaced prior to ceasing operations. The current regulations do not address the significant burden on licensees and the NRC to store MRCs on site for many years until operations cease. The financial burden to construct and maintain storage facilities for MRCs and the radiological exposure to site workers can be avoided by changing the rule. The NRC benefits through the long term reduction in inspection activities associated with site storage facilities and through the expected reduction in licensing activities necessary to construct the storage facilities for MRCs.

The cost and availability of future disposal capacity may vary considerably from time to time, and licensees should have the flexibility to make disposal decisions whenever current opportunities for disposal make economic sense. Delaying the use of decommissioning funds for disposal of MRCs until operations have ceased reduces this flexibility and could result in higher costs and less funds available at the time of decommissioning.

The public safety is enhanced since less radioactive source term would be stored at the site and there is greater assurance that adequate funds will be available for decommissioning.

There is one minor editorial correction to the proposed language. Under item (iii)(B), in the first sentence the reference should be changed from "50.82(a)(8)(B) and (C)" to "50.82(a)(8)(i)(B) and (C)".

STARS believes nuclear safety will be enhanced by moving forward with the subject petition for rulemaking. In summary, the plants in the STARS alliance recommend that the NRC proceed with rulemaking to allow licensees to use decommissioning trust funds for the disposal of MRCs.

The STARS alliance appreciates the opportunity to comment on this issue. If there are any questions regarding these comments, please contact me at 573-676-4775, or [tmoser@ameren.com](mailto:tmoser@ameren.com), or Carl Corbin at 254-897-0121, or [carl.corbin@luminant.com](mailto:carl.corbin@luminant.com).

Sincerely,



T. Moser, Chairman  
STARS Integrated Regulatory Affairs Group