

PR 20, 30, 40, 50, 70 and 72
(73FR03811)

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As of: May 19, 2008
 Received date: Not specified
 Status: Pending_Post
 Tracking No. 805f2b59
 Comments Due: May 08, 2008
 Late comments are accepted
 Submission Type: Web

PUBLIC SUBMISSION

Docket: NRC-2008-0030
Decommissioning Planning

DOCKETED
USNRC

Comment On: NRC-2008-0030-0001
Decommissioning Planning

May 19, 2008 (12:50pm)

Document: NRC-2008-0030-DRAFT-0031
Comment on FR Doc # E8-00574

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Submitter Information

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Herald, CA,

Organization: Sacramento Municipal Utility District

General Comment

The Sacramento Municipal Utility District (District) hereby submits comments on Proposed Rulemaking on Decommissioning Planning (RIN 3150-AH45).

General Comment on Financial Assurance

One of the goals of the proposed rulemaking is to prevent "merchant" plants from becoming legacy sites, particularly permanently shutdown plants that may have no access to rate relief and no sales revenue. Following that reasoning, facilities that are owned by operating utilities with a significant electric sales income and who have access to rate relief should not be subject to the same financial assurance requirements as "at risk" plants.

This reasoning is directly applicable to the proposed requirement for setting aside funds for used fuel management. For sites owned by an operating utility, the annual expense for nuclear fuel storage will be a very small percentage of the utility's total operating budget and would be included in rate relief proceedings. For example the District's estimated 2009 nuclear fuel storage cost is \$4.3 million which is less than 0.5% of the District's 2008 \$1.0 billion Operations and Maintenance budget.

Specific Comments

Proposed section 50.82(a)8(vii)(B) requires that the decommissioning cost estimate include: "The projected cost of managing irradiated fuel until title to the fuel and possession of the fuel is transferred to the Secretary of Energy."

1. No Reliable Cost Basis: The DOE has provided no reliable basis for determining when it will begin to perform and complete its obligation to remove the nation's used nuclear fuel from individual facilities or take title to the fuel. Since

Template = SECY-0467

SECY-02

the total cost of fuel storage oversight is the summation of annual expenses over time, and since there is a lack of any definitive information on the duration of the storage period, it is unreasonable to require the owners to pay up-front a projected unknown total cost of nuclear fuel storage.

2. DOE is Responsible for Fuel Storage Costs: Under the DOE Standard Contract, and as found by the Courts, the DOE is liable to pay for the storage cost for nuclear fuel; ongoing and possible future litigation will eventually determine the schedule and amounts for which the DOE is responsible. For permanently shutdown plants, it is the DOE, not the utility, which should be required to provide financial assurance for fuel storage.

Rulemaking Comments

From: Carol Gallagher
Sent: Monday, May 19, 2008 10:34 AM
To: Rulemaking Comments
Subject: Comment on Decommissioning Planning Proposed Rule (AH45)
Attachments: redeker fix.pdf

Attached is a comment on the above noted proposed rule from Steve Redeker, SMUD, that I received via the Regulations.gov website on May 8, 2008.

Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by TWMS01.nrc.gov
([148.184.200.145]) with mapi; Mon, 19 May 2008 10:34:06 -0400
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Content-Transfer-Encoding: binary
From: Carol Gallagher <Carol.Gallagher@nrc.gov>
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>
Date: Mon, 19 May 2008 10:34:03 -0400
Subject: Comment on Decommissioning Planning Proposed Rule (AH45)
Thread-Topic: Comment on Decommissioning Planning Proposed Rule (AH45)
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