

October 3, 2008

Mr. Thomas E. Magette  
EnergySolutions, LLC  
423 West 300 South, Suite 200  
Salt Lake City, Utah 84101

Dear Mr. Magette:

I am responding to your letter of May 29, 2007, in which you submitted a petition for rulemaking on behalf of EnergySolutions, LLC. The petition, docketed as PRM-50-88, requests that the Nuclear Regulatory Commission (NRC) amend its regulations to provide a regulatory framework that would allow funds from licensees' decommissioning trusts to be used for the cost of disposal of major radioactive components (MRCs) that have been removed from reactors prior to the permanent cessation of operations. On August 21, 2007 [72 FR 46569], the NRC published a notice of receipt of the petition for rulemaking and requested public comment. In response to the August 21, 2007, notice of receipt of the petition, the NRC received six comment letters within the comment period. All of the comments supported the granting of your petition.

The NRC has considered the merits of your petition and the public comments received and finds that the arguments in favor of the petition are not sufficiently persuasive to support the proposed rulemaking. The NRC's policy on not using decommissioning trust funds for the early disposal of MRCs during operations is prudent and necessary generically to help preserve and protect such funds. Other sources of funds can be used to dispose of MRCs during operations. Furthermore, under 10 CFR 50.12, licensees may request an exemption to permit withdrawal of decommissioning trust funds to dispose of MRCs, which will be reviewed on a case-by-case basis in extraordinary circumstances. For these reasons, which are explained in detail in the enclosed *Federal Register* notice, the NRC has denied PRM-50-88.

Sincerely,

*/RA/*

Bruce S. Mallett  
Acting Executive Director  
for Operations

Enclosure:  
*Federal Register* Notice

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