



D. Hooper, Acting Chairman
STARS Integrated Regulatory Affairs Group
P.O. Box 411, Burlington, Kansas 66839

STARS-09011

September 24, 2009

Mr. Mark P. Orr, Acting Chief
Rulemaking and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

6/30/09
74 FR 31317
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**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
COMMENTS ON DRAFT DG-1229, "ASSURING THE
AVAILABILITY OF FUNDS FOR DECOMMISSIONING "**

Reference: 74 FR 31317, Notice of Issuance and Availability of Draft
Regulatory Guide, DG-1229, dated June 30, 2009

Dear Mr. Orr,

The Strategic Teaming and Resource Sharing (STARS)¹ alliance is submitting comments in response to the referenced Federal Register notice soliciting comments on Draft Regulatory Guide DG-1229, "Assuring the Availability of Funds for Decommissioning." STARS appreciates the NRC request for comments on DG-1229.

STARS believes the proposed 3 month time frame to address shortfalls in the decommissioning assurance trust funds could result in higher costs and diversion of resources from operating plants. Instead, the NRC should engage licensees on a case-by-case basis, similar to the current ongoing efforts, to address licensees with a funding shortfall due to the U.S. economy. The proposed overly restrictive requirements would likely reduce funding assurance over the long-term by forcing adoption of short term investment strategies. Licensees might be forced to divert capital from other near term higher priorities into investments with a higher risk profile. The current regulations and guidance have proven effective and provide flexibility.

The current regulatory framework, as implemented, provides the appropriate balance through monitoring and reporting of long term funding requirements. Increasing the frequency of

¹ STARS consists of thirteen plants at seven stations operated by Luminant Power, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company, Arizona Public Service Company, and Southern California Edison.

E-REDS = ADM-03

Callaway · Comanche Peak · Diablo Canyon · Palo Verde · San Onofre · South Texas Project · Wolf Creek

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edd = E. O'Connell (exo)
A. Szabo (ALS5)

adjustments to the decommissioning funds in response to short term market fluctuations is imprudent and is not a sound economic policy.

Compliance with the proposed deadlines will not provide additional assurance that funds will be available for the decommissioning process.

Draft Regulatory Guide DG-1229 is unnecessary and will weaken the underlying principles in the decommissioning funding regulations.

Thank you for your consideration of these comments. If there are any questions regarding these comments, please contact me at 620-364-4041, or dihooper@wcnoc.com, or Carl B. Corbin at 254-897-0121, or carl.corbin@luminant.com.

Sincerely,

A handwritten signature in black ink that reads "Carl B. Corbin for". The signature is written in a cursive, flowing style.

D. Hooper, Acting Chairman
STARS Integrated Regulatory Affairs Group