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Entergy Nuclear Operations, Inc.
1340 Echelon Parkway
Jackson, MS 39213

John McCann
Vice President, Nuclear Safety,
Emergency Planning & Licensing

9/21/2012
77 FR 58591

CNRO-2012-0010

November 15, 2012

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RULES AND DIRECTIVES
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USNRC

Ms. Cindy Bladey
Chief, Rules, Announcements, and Directives Branch
Office of Administration
Mail Stop TWB-05-B01M
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Comments on Revision 15 of NUREG-1307, "Report on Waste Burial Charges: Changes in Decommissioning Waste Disposal Costs at Low-Level Waste Burial Facilities" (Docket NRC-2010-0362)

Dear Ms. Bladey:

Entergy Operations, Inc. and Entergy Nuclear Operations, Inc. (Entergy) are providing this letter in response to the NRC request for comment on the subject NUREG as published in 77 FR 58591, dated September 21, 2012 and 77 FR 64361, dated October 19, 2012. Entergy has been an active participant in the NRC and industry meetings regarding this topic and endorses the comments provided by the Nuclear Energy Institute (NEI).

In addition, Entergy provides the following comments:

1. There is no basis for the assumptions made in Revision 15 regarding the 'Vendor Disposal Option'. These assumptions result in unrealistic disposal costs and an unjustified substantial increase in the required decommissioning funding. Based on statements in the NRC public meeting on November 7, 2012, it appears that these assumptions were developed in an attempt to increase the minimum decommissioning funding amounts required by 10 C.F.R. 50.75. These assumptions were made with no apparent regard for the fact that the assumptions misrepresent actual Low Level Radioactive Waste (LLRW) disposal costs and without any apparent evidence linking LLRW disposal costs to the NRC staff's concern that the formula decommissioning cost estimate does not align with site-specific decommissioning cost estimates.

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2. The premise for the change, as stated at the November public meeting, that the NRC minimum is allegedly too low, appears to be unsupported. Entergy believes that if the NRC is going to impose such a radical change on the minimum funding requirement, that the basis for the change should be clearly articulated. Entergy is not aware of any instances of nuclear power plant decommissioning projects becoming legacy sites as a result of insufficient funding, nor are we aware of any gross disparities between the NRC minimum values and site-specific decommissioning cost estimates. At a minimum, the NRC should appropriately document the need for any proposed changes consistent with the NRC's Principles of Good Regulation, including "Final decisions must be based on objective, unbiased assessments of all information, and must be documented with reasons explicitly stated" and follow the applicable regulatory process for the change.
3. The promulgation of NUREG-1307 has not been in accordance with administrative processes appropriate for issuing a guidance document.

Consequently, we urge the NRC to maintain Revision 14 of NUREG-1307 as the reference document for the near-term preparation of decommissioning funding estimates pending resolution of the concerns raised on Revision 15.

If you have any questions or require additional information, please contact Mr. Bryan Ford at (601) 368-5516.

Sincerely,

Original signed by John McCann

JM / KRK