

PRM-50-119  
84FR27209

7

**From:** [Angela Sisk](#)  
**To:** [Vietti-Cook, Annette](#)  
**Cc:** [Doane, Margaret](#); [Zobler, Marian](#); [Lubinski, John](#); [Gerard P. Van Noordennen](#)  
**Subject:** [External\_Sender] Letter ES-2021-003 (Rulemaking Petition to Amend 10 C.F.R. § 50.2 and 50.82)  
**Date:** Thursday, June 03, 2021 3:01:34 PM  
**Attachments:** [NRC Letter ES-2021-003 - Petition Additional Information FINAL.pdf](#)

---

Please see attached Letter ES-2021-003 (Rulemaking Petition to Amend 10 C.F.R. § 50.2 and 50.82).

Thanks,

**Angela Sisk**  
Administrative Assistant  
**ENERGYSOLUTIONS**  
704-343-6352  
[asisk@EnergySolutions.com](mailto:asisk@EnergySolutions.com)

June 3, 2021

ES-2021-003

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

Subject: Rulemaking Petition To Amend 10 C.F.R. § 50.2 and 50.82

Dear Ms. Vietti-Cook:

On February 22, 2019, EnergySolutions proposed a change to the definition of Decommissioning in 10 CFR Part 50 to amend the definition of decommissioning in 10 C.F.R § 50.2 and to amend 10 C.F.R § 50.82, “Termination of License” to provide a regulatory framework that would allow funds from licensees’ nuclear decommissioning trust (NDT) funds to be used for the cost of disposal of “major radioactive components” that have been removed from reactors prior to the permanent cessation of operations. These components represent large capital assets and are defined by 10 C.F.R. § 50.2. In addition to requesting a change in the cited definition, the Petition also placed an emphasis on ensuring that adequate funds would be available to complete decommissioning following cessation of operations.

With nuclear power plant lifespans extending to 60 or 80 years, plants experience more turnover of components than expected under a 40-year term of operation. Thus, utilities must use operating funds to pay for removal of old or damaged major radioactive components (MRCs) – an activity once assumed to occur only at decommissioning. The utility will build a mausoleum to store the MRCs as well as other parts (turbines, valves, etc.), until the plant ceases operation and they can use their NDT funds for disposal – often decades later.

Currently, 15 reactor heads and 127 steam generators, as well as other numerous components, are stored on nuclear power plant sites across the country. These MRCs equate to approximately 631,000 cubic feet of radioactive waste.

A change in the definition of decommissioning activities to include MRC removal and disposal while the plant is operational will result in timely disposal of this radioactive material. Benefits to that timely disposal due to access to NDT funds include:

- Spread out the flow of MRC to disposal sites over time, avoiding potential capacity constraints in the future as more plants decommission simultaneously
- Maximize environmental stewardship and enhance stakeholder confidence

- Reduce radioactive inventory and enhance ALARA objectives on plant sites
- Mitigate decommissioning cost escalation due to potentially increased waste disposal costs at the time of plant shut down

Under current regulations, NDT funds will ultimately be used for removal and disposal of MRCs after the plant ceases operation. The use of these funds for the same purpose while the plant is operational will prevent an ever-increasing volume of radioactive components stored on plant sites.

Regards,

Gerard van Noordennen  
Senior Vice President, Regulatory Affairs

cc: M. Doane, Executive Director for Operations, NRC  
M. Zabler, General Counsel, NRC  
J. Lubinski, Director, Office of Nuclear Materials Safety and Safeguards