

From: [Caleb Ward](#)
To: [Vietti-Cook, Annette](#)
Cc: [Bud Albright](#); [Alec Hoppes](#); [LARRY Camper](#); [Dave Jones](#)
Subject: [External_Sender] PETITION FOR RULEMAKING-NRC ACTION, DOCKET NO. PRM-50-119
Date: Tuesday, October 12, 2021 5:13:25 PM
Attachments: [USNIC MRCs Petition.pdf](#)

United States Nuclear Industry Council
1317 F Street NW Washington, DC 20004

October 12, 2021

TO:
Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
By e-mail to: Annette.Vietti-Cook@nrc.gov

SUBJECT: PETITION FOR RULEMAKING-NRC ACTION, DOCKET NO. PRM-50-119

Dear Ms. Vietti-Cook:

On February 22, 2019, *EnergySolutions* submitted a Petition proposing a change to amend the definition of decommissioning in 10 CFR 50.2 “Definitions” and to amend 10 CFR 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” (MRCs) that have been removed from reactors prior to the permanent cessation of operations. These components represent large capital, assets and are defined by 10 CFR 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.

The Petition set forth seven compelling reasons why the request was timely, efficacious and in the best interest of the utilities, stakeholders and the public at large to allow the timely removal of MRCs ultimately destined for disposal as part of the overall decommissioning process. Our organization now understands that the Petition has been reviewed by the NRC staff and that a SECY paper has been provided to the Commission for its policy review regarding the Petition. Therefore, we believe it is important to make the Commission aware of how important we find the Petition to be and to allow the nuclear power utilities to have flexibility in utilizing NDT funds during operations to facilitate timely and cost-effective removal of MRCs during operations. Perhaps the most compelling reason to support the use of NDT funds in this manner is to support environmental stewardship and the prevailing interest of stakeholders in seeing prompt decommissioning and removal of all radioactive waste from former operating nuclear power plant locations.

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 to allow MRCs removal and disposal while nuclear power plants are operational will result in the timely disposal of this radioactive material and serve to assist utilities in cost savings by not having to stage the MRCs on-site for a protracted period of time.

On September 30, 2021, the Nuclear Energy Institute submitted a letter in support of Docket NO. PRM-50-119 citing certain benefits of the Petition facilitating the removal and disposal of MRCs from operating plants including: 1) Reducing the inventory of stored radioactive materials at nuclear power plant sites; 2) Spreading the flow of MRCs to disposal sites over

time, avoiding potential transportation and process constraints in the future as more plants decommission simultaneously; and 3) Avoiding uncertainty associated with future changes in waste transportation and disposal costs. Clearly, all of these issues are of importance to the nuclear power industry and justify approval of the Petition.

We strongly encourage the Commission to make a positive and supporting decision on the subject Petition that will serve to facilitate a timely and cost-effective disposal of MRCs during plant operations. In closing, it seems important to point out that the MRCs in question are destined for disposal as part of the overall nuclear power plant decommissioning so allowing utilities the flexibility to use NDT funds during operations to achieve this objective is logical and cost effective. Further, the Petition sets forth measures to ensure that NDT funds are adequate to achieve the requirements set forth in 10 CFR 50.82.

Respectfully,

Bud Albright
President & CEO
U.S. Nuclear Industry Council &
U.S. Under Secretary of Energy (2006-2008)



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Respectfully,

A handwritten signature in black ink, appearing to read 'Bud Albright', written in a cursive style.

Bud Albright
President & CEO
U.S. Nuclear Industry Council &
U.S. Under Secretary of Energy (2006-2008)