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Draft Interim Staff Guidance: Use of the Decommissioning Trust Fund During Operations for Major Radioactive Component Disposal

Comment On: NRC-2023-0111-0001

Draft Interim Staff Guidance: Use of the Decommissioning Trust Fund During Operations for Major Radioactive Component Disposal

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General Comment

See attached file(s)

Attachments

Comments on the NRC's Draft Interim Guidance on the Use of DTF (002)

Appalachian States Low-Level Radioactive Waste Compact Commission

Comments on the NRC's Draft Interim Staff Guidance on the Decommissioning Trust Fund During Operations for Major Radioactive Component Disposal

Background

The U.S. Nuclear Regulatory Commission (NRC) has prepared an interim staff guidance (ISG) to provide clarifying guidance to facilitate stakeholder understanding of the NRC's position on the use of the decommissioning trust fund (DTF) during operations for major radioactive component (MRC) disposal. This includes the information that would assist the NRC staff in assessing a licensee's request for exemption from the regulations related to the activity.

Comments

We concur with the Commission's position that the DTF withdrawals for disposal of MRCs [prior to the cessation of operations and initiation of decommissioning] should be granted only "in extraordinary circumstances" and under 10 CFR 50.12 special exemption process.

The draft ISG is silent on what constitutes an extraordinary circumstance. For instance, the Appalachian States Low-Level Radioactive Waste Compact Commission would consider the potential closure of one or more existing commercial low-level radioactive waste (LLRW) disposal facility(ies) to be an extraordinary circumstance. There is currently only one commercial LLRW disposal facility that accepts higher radioactive concentration of LLRW (i.e., irradiated core components, etc.) from the entire nation. The potential closure of this facility

would justify the need for an exemption request and the use of the DTF for disposal of MRC's during facility operations. Another example of an extraordinary circumstance is a nuclear power plant that has insufficient storage space available for the MRCs. The closure of the Barnwell disposal facility to out of compact (Atlantic Compact) LLRW forced one of the nuclear power plant sites in our compact to send their LLRW to another power plant site for temporary storage.

We strongly recommend that the licensees or the generators of the MRC conduct a "cost-benefit" analysis to justify the need for an exemption request for early disposal. There is no mention of a cost-benefit analysis in the draft ISG.

The NRC should develop a set of "minimum necessary requirements" for evaluating licensee's exemption request. At a minimum, financial guarantees, e.g., parent company guarantee, must be adequate to cover the cost of decommissioning of nuclear facilities or termination of licensed activities. The financial guarantee is highly recommended even if the current projected DTF amounts indicate adequate funds will be available for decommissioning.

We request that the NRC seek input from the host state, where the facility is located in, for evaluating a licensee exemption request.