

mitted to the NRC through Interim Storage Partners (ISP), a joint venture formed by WCS and Orano USA (NN, July 2018, p. 59). According to ISP, while the application reflects the organization and new leadership of the joint venture, it remains unchanged in its original proposal to receive, store, and manage spent fuel from U.S. reactors at a facility to be built on WCS's 14,900-acre site in West Texas. ISP is seeking an initial 40-year license to store an eventual total of 40,000 metric tons of spent fuel.

In the August 29 *Federal Register*, the NRC published a notice of opportunity to request a hearing and to petition for

leave to intervene in the licensing process. Requests will be accepted through October 29.

The NRC is also requesting public comments on the scope of its environmental impact statement for the WCS storage facility. As published in the September 4 *FR*, the NRC is reopening the comment period that had closed on April 28, 2017. Comments can be submitted until October 19.

Information regarding both *FR* notices, including instructions for submitting comments, can be found on the federal rulemaking website, at <[www.regulations.gov](http://www.regulations.gov)>, with a search for Docket ID NRC-2016-0231.

## DECOMMISSIONING

### Group petitions NRC over FirstEnergy's D&D funds

The Environmental Law and Policy Center (ELPC) has petitioned the Nuclear Regulatory Commission to take enforcement action against FirstEnergy Corporation and its subsidiaries, including FirstEnergy Solutions (FES) and FirstEnergy Nuclear Operating Company (FENOC), claiming that the company lacks sufficient funds to decommission its nuclear power plants. The NRC published notice of the 10 CFR 2.206 petition request in the August 31 *Federal Register*.

FES announced on March 28 that it would close the Davis-Besse and Perry plants in Ohio and the Beaver Valley plant in Pennsylvania over the next three years (NN, Apr. 2018, p. 18). Under the company's current schedule, Davis-Besse is to close in May 2020, followed by Beaver Valley-1 and Perry in May 2021, and Beaver Valley-2 in October 2021. In August, FES submitted to the NRC its certified fuel handler training and retraining program, as required under the NRC's decommissioning process. FES filed for bankruptcy protection on March 31.

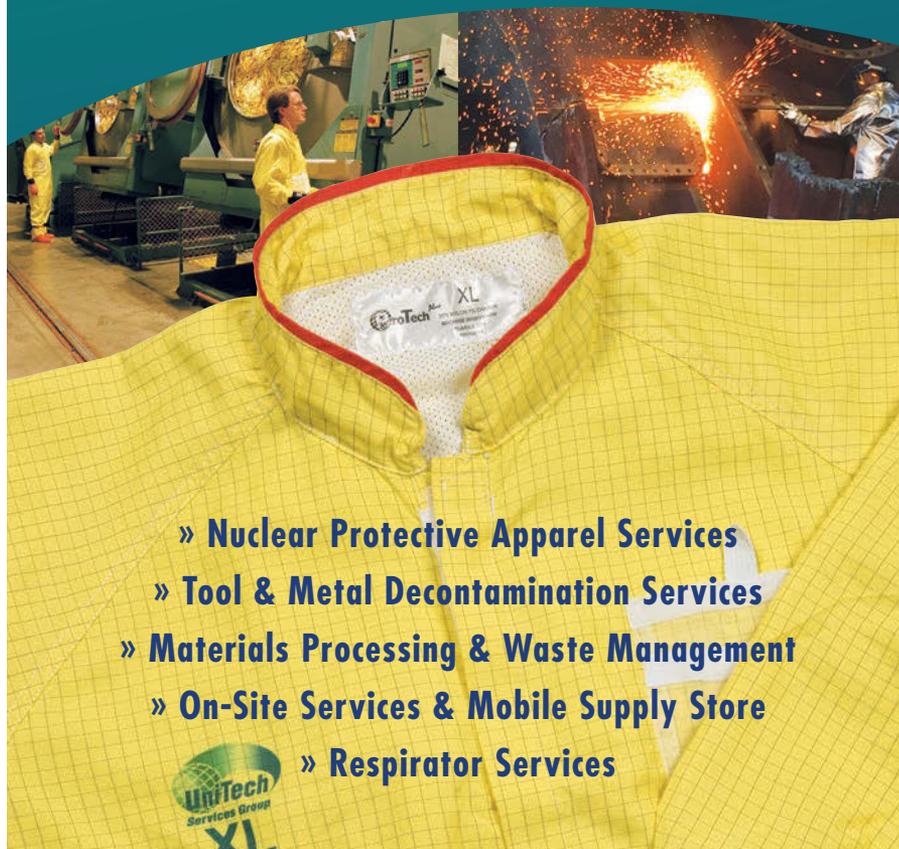
ELPC claims that decommissioning fund estimates from March 2017 indicate a \$350-million shortfall in external trust funds for the plants and that the trusts are insufficient on their own to provide reasonable assurance of decommissioning funding. ELPC also said that if the plants close in 2020 and 2021 as planned, the trust funds will be unable to grow to levels that will pay for their complete decommissioning.

ELPC is asking the NRC to promptly issue a demand for information to FirstEnergy and its subsidiaries requesting site-specific decommissioning funding plans for the three plants, along with information regarding the company's reliance on external trust funds and parental guarantees to satisfy its decommissioning financial obligations. The group is also petitioning the NRC to issue a notice of violation against FirstEnergy and its subsidiaries for operating nuclear facilities without sufficient decommissioning funds and to issue civil penalties against the company for the violation.

ELPC, which is urging the NRC to prohibit FENOC from placing the plants into SAFSTOR condition for purely financial reasons, also asked that its petition be given immediate emergency consideration in light of FES's "rapidly deteriorating financial situation." The petition request has been referred to the director of the NRC's Office of Nuclear Reactor Regulation for consideration.



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