

From: Suzanne Black
To: Brian Richter
Date: Thu, Dec 30, 1999 2:57 PM
Subject: DLPM concurrence on Secy

I reviewed the Secy and concur for DLPM. I have 2 comments on page 8 of attachment 2. Comment 7 - are we indirectly expanding the scope of the decommissioning rule? Comment 8 - I think the response should be clarified - doesn't seem to answer the question.

Suzie

CC: John Zwolinski

Comment 7. NRC's recent rule on Financial Assurance for Decommissioning nuclear power plants identified problems that could result from trying to impose joint and several liability. The Policy Statement does not explain why it takes a position different from the rule. (3)

Response: The staff does not believe that the Policy Statement takes a position different from the Final Rule on Financial Assurance Requirements for Decommissioning nuclear power

plants (63 FR 50465, September 22, 1998), but supplements it. Both the rule and Policy Statement stated that under virtually all circumstances, *pro rata* division of decommissioning is acceptable. While the rule did not explicitly address financial assurance in "highly unusual circumstances," the staff expects to clarify that position in future revisions to NUREG-1577. Thus, the staff does not believe that the two documents are inconsistent.

Comment 8. The Commission should focus its authority on the defaulting co-owner and its customers, not the other co-owners and their customers. (1)

Response: As noted in the responses to other comments, the NRC intends to focus on those non-*de minimis* licensees that are unable to fulfill their obligations under the license. However, *de minimis* licensees would be expected to meet their *pro rata* share.