

November 17, 2003

The Honorable Joe Barton
Chairman, Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

In the near future, the Nuclear Regulatory Commission (NRC) intends to publish in the Federal Register the enclosed direct final rule to make immediate corrections to the Decommissioning Trust Provisions final rule published December 24, 2002, in the Federal Register, which established certain objectives and criteria for decommissioning trust agreements.

After publication of the final rule, the Nuclear Energy Institute (NEI) suggested that an administrative rulemaking be undertaken to correct what it perceived to be administrative errors in the final rule. NRC considers this action noncontroversial and routine; therefore, the NRC is using the direct final rule procedure to implement these corrections. Changes imposed in the direct final rule will clarify that payments for ordinary administrative expenses incurred by trust funds do not require notification to the NRC. The direct final rule also clarifies that licensees will have the option to retain their existing license conditions relating to decommissioning trust agreements and further changes the effective date of one aspect of the new final rule. Finally, the changes clarify that decommissioning trust funds are not to be invested directly in other companies that own nuclear power plants.

Sincerely,

/RA/

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: As stated

cc: Representative Rick Boucher

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*See previous concurrence

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November 17, 2003

The Honorable George V. Voinovich, Chairman
Subcommittee on Clean Air, Wetlands,
Private Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

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