



NUCLEAR ENERGY INSTITUTE

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February 29, 2008

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Ms. Annette Vietti-Cook  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, Dc 200555-0001

Attention: Rulemaking and Adjudications Staff

**Subject:** RIN 3150-AH45: Request for Extension of the Public Comment Period for Decommissioning Planning Rulemaking.

**Project Number: 689**

Dear Madam Secretary:

The Nuclear Energy Institute (NEI),<sup>1</sup> on behalf of the nuclear energy industry, requests a 90-day extension of the Public Comment Period for Decommissioning Planning rulemaking.

Upon our initial reviews of the proposed rule changes and the associated guidance documents, we have found these contain very complex issues. For example, the rule proposes to eliminate the use of escrow accounts as a prepayment financial assurance method. It also requires the establishment of a standby trust and agreements for the parent to be joint and severally liable before a parent company guarantee may be used. Numerous staff reviews are needed to access the myriad of issues raised in the proposed rule that appear to go well beyond the Commission's and the industry's goal of reducing the likelihood that licensed facilities will become legacy sites. Such issues require radiological environmental, health physics, decommissioning, financial, legal, and regulatory expertise. These proposed rules also impact a very diverse population of NRC licensees, for whose input is needed to further inform this rulemaking.

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<sup>1</sup> NEI is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Template - SECY-067

SECY-02

Ms. Vietti-Cook  
February 29, 2008  
Page 2

The nuclear industry and other licensees impacted have had limited opportunity to provide input to the NRC staff regarding the specific proposed regulation and regulatory guidance. Although the staff has conducted a one-day public meeting in January 2007, the general nature of the discussions did not support a detailed examination of underlying issues and potential unintended consequences of a possible rulemaking. Upon review of the published proposed rule and draft regulatory guidance, we do not see that input from licensees and other stakeholders provided at the January 2007 meeting was thoroughly considered in this rulemaking.

The Commission directed the following in the STAFF REQUIREMENTS – SECY-07-0177 – PROPOSED RULE: DECOMMISSIONING PLANNING (10 CFR PARTS 20, 30, 40, 50, 70, AND 72; RIN: 3150-AH45: "Because of the complexity of this rulemaking, the staff should aggressively encourage public comments so that the decision on the final rule will appropriately consider all relevant issues and identify and resolve unintended consequences if they exist." This extension request is supportive of the Commission's desire to fully identify and address the relevant issues related to this rulemaking.

If we can provide further information that would assist in resolving the request for extension of the public comment period, please contact me at 202-739-8111; [rla@nei.org](mailto:rla@nei.org) or George Oliver at 202-739-8016; [gxo@nei.org](mailto:gxo@nei.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph Andersen", written in a cursive style.

Ralph L. Andersen

c: Mr. James Sheppard, FSME/DWMEP/DURLD, NRC