



NUCLEAR ENERGY INSTITUTE

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February 21, 2008

Mr. Nathan Frey
Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget
NEOB-10202 (3150-0014; 0017;
0020; 0011; 0009; and 0132)
Washington, DC 20503

Subject: RIN 3150-AH45: OMB Review of NRC Information Collection Requirements and Solicitation of Public Comments on NRC Proposed Rule on Decommissioning Planning.

Dear Mr. Frey:

The Nuclear Energy Institute (NEI),¹ on behalf of the nuclear energy industry, submits the following comments to the Office of Management and Budget (OMB) in response to the request for public comments addressing the burden associated with the information collection requirements included in the Nuclear Regulatory Commission's (NRC) proposed rule amending NRC's "Decommissioning Planning" Proposed Rule. *See* 73 Fed. Reg. 3812 (Jan. 22, 2008). Comments on this portion of the proposed rulemaking notice were requested by February 21, 2008. NEI submits that key proposed regulations related to decommissioning records and recordkeeping that the NRC proposes to impose on the industry are unnecessary to protect the public health and safety, unnecessary to facilitate NRC oversight, unduly burdensome for impacted NRC licensees, and inconsistent with provisions of the Paperwork Reduction Act. A detailed discussion of the industry's concerns is provided in the enclosure.

¹ 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.

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Specifically, NEI believes that OMB should not approve the data collection proposed in Sections 10 C.F.R. §20.1406(c) and 10 C.F.R. §§20.1501(a) and (b) of the proposed NRC rule. The requested information is not required for the NRC to ensure the public health and safety.

Additionally, the NRC has an effective oversight process and adequate regulatory authority that does not depend on such extensive data collection from licensees to provide reasonable assurance of adequate protection of the public health and safety in this area. This is particularly the case with the proposed provisions of Sections 10 C.F.R. §20.1406(c) and 10 C.F.R. §§20.1501(a) and (b), related to new expectations concerning identification, characterization and associated recordkeeping with respect to inadvertent onsite radiological releases. The NRC rule package fails to provide a convincing rationale as to why these particular elements of the new regulatory scheme, in light of the resultant records generation, collection and retention burdens, are needed to assure the adequate implementation of the NRC's oversight and inspection processes in these areas. As described in the Enclosure to this letter, NEI believes that major portions of these provisions would create impacts on licensees that cannot be justified under the Paperwork Reduction Act.

If we can provide further information that would assist in resolving the concerns expressed in this letter, please contact me at 202-739-8111; rla@nei.org or George Oliver at 202-739-8016; gx0@nei.org.

Sincerely,



Ralph L. Andersen

Enclosure

c: Records and FOIA/Privacy Services Branch (T-5F52), NRC