

Secy

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**From:** Miller, David (Bryan) [David.Miller@pgnmail.com]  
**Sent:** Thursday, May 08, 2008 4:42 PM  
**To:** Secy  
**Cc:** OLIVER, George; rla@nei.org  
**Subject:** Progress Energy Comments on Proposed Rule; "Decommissioning Planning," 73 FR 3812 (January 22, 2008) RIN 3150-AH45  
**Attachments:** 08-034 McCabe - NRC Letter - Comments on Decommissioning Planning.pdf

Please find the subject comment letter attached.

DOCKETED  
USNRC

D. Bryan Miller  
Nuclear Regulatory Affairs  
Progress Energy  
919-546-5243

May 8, 2008 (4:50pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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SECY-02



PO Box 1551  
411 Fayetteville Street Mall  
Raleigh NC 27602

Serial: PE&RAS-08-034  
May 8, 2008

Annette L. Vietti-Cook, Secretary  
United States Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

**SUBJECT:** Comments on Proposed Rule, "Decommissioning Planning," 73 FR 3812  
(January 22, 2008) (RIN 3150-AH45)

Dear Ms. Vietti-Cook:

Progress Energy is pleased to submit comments on the subject proposed rule and associated guidance, and is committed to planning, funding, and conducting decommissioning of our facilities safely, efficiently, and protective of public health and the environment.

Progress Energy believes that the proposed rule and supporting guidance go beyond the Commission's stated goal of reducing the likelihood that licensed facilities will become legacy sites. Progress Energy concurs with NEI's conclusion that some key elements of the proposed rule and related guidance are unnecessarily burdensome and will not add substantive value in addressing the Commission's concerns. The NRC currently has in place an effective oversight process, and appropriate regulations and authority, to provide reasonable assurance of protection of the public health, safety, and the environment in this area. The NRC should effectively utilize the agency's existing regulatory framework to address concerns pertaining to specific licensees, should they occur, rather than mandate excessively restrictive and burdensome requirements for all licensees.

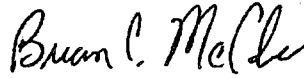
Specific Progress Energy comments:

- A Part 50 licensee, who also holds a Site-Specific Independent Spent Fuel Storage Installation (ISFSI) license, should not be required to submit separate decommissioning cost estimates. As written, the proposed rule effectively prohibits the Part 50 licensee from including in the Part 50 decommissioning cost estimate, the ISFSI decommissioning costs and related assumptions. The proposed rule should be revised to allow an ISFSI Site-Specific licensee, who also holds a Part 50 license, to include in the Part 50 decommissioning cost estimate, the ISFSI decommissioning costs and related assumptions. (10 CFR 72.30(b) and (c))
- As discussed in NEI's comment letter dated May 8, 2008, the current decommissioning funding mechanisms have provided effective financial assurance for decommissioning planning and completion. The financial requirements of the proposed rule and the guidance document are overly conservative particularly regarding the provisions on the use of parental and self guarantees. (10 CFR 30, Appendix A)
- Progress Energy agrees with NEI that the NRC should prepare a proper backfit analysis for this rulemaking. Specifically, the staff's analysis should assess the impact of new staff positions against current NRC requirements, not against voluntary licensee actions.

United States Nuclear Regulatory Commission  
PE&RAS-08-034  
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We appreciate your consideration of these comments and those provided by NEI. Please contact me at (919) 546-4579 if you have any questions.

Sincerely,



Brian McCabe  
Manager – Nuclear Regulatory Affairs

DBM

cc: George Oliver NEI  
Ralph Anderson NEI

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Subject: Progress Energy Comments on Proposed Rule, "Decommissioning Planning," 73 FR  
3812 (January 22, 2008) RIN 3150-AH45

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FR 3812 (January 22, 2008) RIN 3150-AH45

Thread-Index: AcixTAEb6FqFrcYQR8CFqJV7Wv9K3w==

From: "Miller, David (Bryan)" <David.Miller@pgnmail.com>

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X-OriginalArrivalTime: 08 May 2008 20:42:18.0204 (UTC) FILETIME=[019211C0:01C8B14C]

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