

PRM-50-88
(72FR46569)



NUCLEAR ENERGY INSTITUTE

DOCKETED
USNRC

August 8, 2008 (2:24pm)

Marvin S. Fertel
EXECUTIVE VICE PRESIDENT AND
CHIEF NUCLEAR OFFICER

August 7, 2008

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

The Honorable Dale E. Klein
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop O 16 C1
Washington, DC 20555

Subject: PRM-50-88 Comments on Energy Solutions; Receipt of Petition for Rulemaking,
72 Federal Register 46569, August 21, 2007

Project Number: 689

Dear Chairman Klein:

The subject Federal Register notice sought public comments on a petition for rulemaking to create a transparent and stakeholder-engaged regulatory process for making decisions on licensee requests to use decommissioning funds for safe, timely and cost-effective disposal of "major radioactive components" (MRCs) prior to cessation of licensee operations for decommissioning. Currently, such licensee requests are addressed on an individual basis outside of any well-defined regulatory process.

In our letter of November 5, 2007, NEI expressed support on behalf of the industry for the NRC to grant the petition and initiate rulemaking. A rule consistent with the proposal contained in the petition will create a disciplined process for making decisions on licensee requests that will facilitate consultation with interested stakeholders. Such a rule will also assure a consistent high level of scrutiny by the NRC and other relevant regulatory agencies of the financial aspects of licensee requests that will help enhance assurance of the adequacy of licensee funds for future decommissioning.

Prior to making any decision on a staff proposal for proceeding with or denying the petition, we encourage the Commission to hold a briefing on this matter to obtain a first-hand understanding of stakeholder views on the merits of establishing a defined regulatory process versus continuing to address licensee requests on a case-by-case basis.

Template = SECY-067

SECY-02

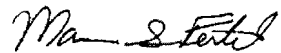
The Honorable Dale E. Klein

August 7, 2008

Page 2

We appreciate your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marvin S. Fertel".

Marvin S. Fertel

- c: The Honorable Gregory B. Jaczko, Commissioner, NRC
- The Honorable Peter B. Lyons, Commissioner, NRC
- The Honorable Kristine Svinicki, Commissioner, NRC
- Mr. R. William Borchardt, Executive Director for Operations, NRC

Sandy Joosten

From: REYNOLDS, Deirdre [dmr@nei.org] on behalf of FERTEL, Marvin [msf@nei.org]
Sent: Thursday, August 07, 2008 4:22 PM
To: CHAIRMAN Resource; Peter Lyons; Gregory Jaczko; Kristine Svinicki; Bill Borchardt
Cc: FERTEL, Marvin; PIETRANGELO, Tony; HOUGHTON, Tom; ANDERSEN, Ralph; Jeffrey Sharkey; Janine Armstrong; Linda Herr; Janet Lepre; Victoria Ibarra
Subject: PRM-50-88 Comments on Energy Solutions; Receipt of Petition for Rulemaking, 72 Federal Register 46569, August 21, 2007
Attachments: 08-07-08_NRC_PRM-50-88 Comments on Energy Solutions, Receipt of Petition for Rulemaking, 72 Federal Register 46569, August 21, 2008.pdf

August 7, 2008

The Honorable Dale E. Klein
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop O 16 C1
Washington, DC 20555

Subject: PRM-50-88 Comments on Energy Solutions; Receipt of Petition for Rulemaking, 72 *Federal Register* 46569, August 21, 2007

Project Number: 689

Dear Chairman Klein:

The subject Federal Register notice sought public comments on a petition for rulemaking to create a transparent and stakeholder-engaged regulatory process for making decisions on licensee requests to use decommissioning funds for safe, timely and cost-effective disposal of "major radioactive components" (MRCs) prior to cessation of licensee operations for decommissioning. Currently, such licensee requests are addressed on an individual basis outside of any well-defined regulatory process.

In our letter of November 5, 2007, NEI expressed support on behalf of the industry for the NRC to grant the petition and initiate rulemaking. A rule consistent with the proposal contained in the petition will create a disciplined process for making decisions on licensee requests that will facilitate consultation with interested stakeholders. Such a rule will also assure a consistent high level of scrutiny by the NRC and other relevant regulatory agencies of the financial aspects of licensee requests that will help enhance assurance of the adequacy of licensee funds for future decommissioning.

Prior to making any decision on a staff proposal for proceeding with or denying the petition, we encourage the Commission to hold a briefing on this matter to obtain a first-hand understanding of stakeholder views on the merits of establishing a defined regulatory process versus continuing to address licensee requests on a case-by-case basis.

We appreciate your consideration in this matter.

Marvin S. Fertel
Executive Vice President and Chief Nuclear Officer

Nuclear Energy Institute
1776 I Street NW, Suite 400
Washington, DC 20006

P: 202-739-8125
F: 202-293-3451
msf@nei.org

nuclear. clean air energy.

This electronic message transmission contains information from the Nuclear Energy Institute, Inc. The information is intended solely for the use of the addressee and its use by any other person is not authorized. If you are not the intended recipient, you have received this communication in error, and any review, use, disclosure, copying or distribution of the contents of this communication is strictly prohibited. If you have received this electronic transmission in error, please notify the sender immediately by telephone or by electronic mail and permanently delete the original message. IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS and other taxing authorities, we inform you that any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed on any taxpayer or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Sent through outbound.mailwise.com

Received: from mail1.nrc.gov (148.184.176.41) by TWMS01.nrc.gov
(148.184.200.145) with Microsoft SMTP Server id 8.0.751.0; Thu, 7 Aug 2008
16:25:49 -0400
X-Ironport-ID: mail1
X-SBRS: 6.2
X-MID: 28918171
X-IronPort-Anti-Spam-Filtered: true
X-IronPort-Anti-Spam-Result:
AtIAAPP0mkjYS8cRomdsb2JhbAATghorBI1PgRIBAQBQEBQYJEZFiVw
X-IronPort-AV: E=Sophos;i="4.31,322,1215403200";
d="pdf?scan'208,217";a="28918171"
Received: from tx02.mailwise.com ([216.75.199.17]) by mail1.nrc.gov with
ESMTP; 07 Aug 2008 16:25:38 -0400
Received: from trk05.mailwise.com (trk05.mailwise.com [216.75.199.39]) by
tx02.mailwise.com (Postfix) with ESMTP id 8E646E9FD6 for <chairman@nrc.gov>;
Thu, 7 Aug 2008 16:25:36 -0400 (EDT)
Received: by trk05.mailwise.com (MailWise LLC - Intelligent Email Protection,
from userid 1000) id A8232127845; Thu, 7 Aug 2008 16:25:33 -0400 (EDT)
Received: from NEIEXC01.nei.org (unknown [208.116.169.253]) by
trk05.mailwise.com (MailWise LLC - Intelligent Email Protection) with ESMTP
id 5EDB5127876; Thu, 7 Aug 2008 16:22:23 -0400 (EDT)
X-MimeOLE: Produced By Microsoft Exchange V6.5
Content-Class: urn:content-classes:message
MIME-Version: 1.0
Content-Type: multipart/mixed;
boundary="----_=_NextPart_001_01C8F8CB.4AC50621"
Subject: PRM-50-88 Comments on Energy Solutions; Receipt of Petition for
Rulemaking, 72 Federal Register 46569, August 21, 2007
Date: Thu, 7 Aug 2008 16:22:19 -0400
Message-ID: <136042581996114A86735A4C1081D86E017A240B@neiexc01.nei.org>
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
Thread-Topic: PRM-50-88 Comments on Energy Solutions; Receipt of Petition for
Rulemaking, 72 Federal Register 46569, August 21, 2007
Thread-Index: Acj4y0r4w8La8oYhTVm7Ee+fv0rzvg==
From: "FERTEL, Marvin" <msf@nei.org>
Sender: "REYNOLDS, Deirdre" <dmr@nei.org>
To: <chairman@nrc.gov>,
"Peter Lyons" <PBL@nrc.gov>,
<gbj@nrc.gov>,
<kristine.svinicki@nrc.gov>,
<rw1@nrc.gov>
CC: "FERTEL, Marvin" <msf@nei.org>,
"PIETRANGELO, Tony" <arp@nei.org>,
"HOUGHTON, Tom" <tch@nei.org>,
"ANDERSEN, Ralph" <rla@nei.org>,
<jeffry.sharkey@nrc.gov>,
"Janine Armstrong" <Janine.Armstrong@nrc.gov>,
"Linda Herr" <Linda.Herr@nrc.gov>,
<janet.lepre@nrc.gov>,
<victoria.ibarra@nrc.gov>

X-MailWise-About: Scanned by MailWise Filter (<http://www.mailwise.com>)
X-MailWise-Version: 3.1.0
X-MailWise-Envelope-From: dmr@nei.org
X-MailWise-Envelope-To: chairman@nrc.gov
X-MailWise-Original-Size: 74,613 bytes
X-MailWise-MsgID: 22326_1218140726.in
X-MailWise-Virus: NO Viruses were found in this e-mail
X-Mailwise-Rule: No Rules Hit
X-MailWise-Decision: PASSED
Return-Path: dmr@nei.org