

**Staff Responses to Public Comments
Draft Regulatory Guide (DG)-1271
(Proposed Revision 1 of Regulatory Guide (RG) 1.184)**

A notice that Draft Regulatory Guide DG-1271 (Proposed Revision 1, of RG 1.184) was published for public comment appeared in the *Federal Register* on February 14, 2012 in Vol. 77, No. 31, pp. 8902-8903. The public comment period ended April 16, 2012.

Comments were received from:

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ADAMS Accession No. ML12058A395

Commenter	Section of DG-1271	Specific Comment	NRC's Resolution
	General Comment	<p>“As Citizens of the United States of America and students of the Georgetown University Law Center, we feel a great sense of concern about our energy infrastructure. Specifically, we are interested in the state of affairs of our nuclear power systems. Although we feel that a greater level of clarity and less ambiguity is something to be desired in the regulation of nuclear power, the current proposed regulatory guide brings up a point of potential concern. Although clarification is the only stated intention of the proposed rulemaking, it may potentially have the de-facto result of easing the procedural requirements of the decommissioning process. Whether the net result of this change is positive or negative is difficult to predict, the lowering of restrictions on procedures for decommissioning could have some serious consequences for the future of our nuclear energy industry. Writing as proponents of nuclear power as a safe, clean alternative to fossil</p>	<p>The commenters misunderstand the NRC's processes and mission. DG-1271 did not represent a rulemaking or any part of a rulemaking. The NRC's regulatory guides are interpretive rules and are developed outside the formal or informal rulemaking processes required by the Administrative Procedure Act for legislative rules. In addition, the basis of NRC regulation is not economic policy. The NRC regulates the civilian use of radioactive materials to protect public health and safety, promote the common defense and security, and protect the environment. This mission stems from the NRC's organic statute, the Atomic Energy Act of 1954, as amended. Whether the NRC's regulations</p>

fuels, we would like to discuss some of the potential positive and negative implications of this clarification. Specifically, we would like to discuss two possible effects; firstly, the potential for this regulatory change to encourage premature exit from the nuclear industry, and secondly, its potential to encourage new entry into the nuclear energy market...”

“... This leaves the NRC with a serious question of policy. Two industry models present themselves. In the current market, some investors may shy away from the nuclear power industry, afraid of commitment, while the existing infrastructure remains intact for longer periods due to the inability of current operators to leave quickly and efficiently. If this is the situation that the NRC finds preferable, then it should abandon this proposed rulemaking and keep the regulations in their current, somewhat ambiguous, state. On the other hand, the proposed clarification could result in a significantly more fluid market. An America in which there is a significant influx of new nuclear power investors while former operators leave the industry more frequently on the basis of broad public pressure. If this latter model is preferable, then the NRC should continue with the implementation of this proposed rulemaking.

Established systems or new investors? Bet on the future or rely on the past? Stability or flux?
The NRC is faced with a choice between two industry paradigms. We do not here advocate in favor of one or the other, but merely wish to point out that the proposed clarification represents a step in the latter direction.”

Respectfully submitted for your consideration,
Students of Georgetown Law;

encourage or discourage entry into or exit from nuclear power markets is not a consideration in the NRC’s decisions.
