

From: [Jeff Skov](#)
To: [DeJesus, Anthony](#)
Cc: [Bladey, Cindy](#)
Subject: [External_Sender] Re: PRM Process [PRM-2-15; NRC-2015-0264]
Date: Monday, December 07, 2015 9:33:01 PM

Anthony – Last week, the U.S. Department of Energy's Office of Inspector General released its Fiscal Year (FY) 2015 Financial Statement Audit of the Nuclear Waste Fund (NWF). It is designated as Audit Report OAI-FS-16-03; see it online here . . .

<http://www.energy.gov/sites/prod/files/2015/12/f27/OAI-FS-16-03.pdf>

The petition for rulemaking (PRM) I submitted (PRM-2-15) references last year's Financial Statement Audit of the NWF; *i.e.*, the report for FY 2014 (cited as Ref. 18 in the PRM).

The release of this FY 2015 report enhances the supporting rationale for the PRM because the report updates the amounts of the total expenditures from the U.S. Department of the Treasury's Judgment Fund that are attributable to the ongoing delay in Nuclear Waste Policy Act (NWPA) implementation—from \$3.2b plus \$1.3b (in settlements and damages, respectively), as reported in the FY 2014 report, to \$3.9b plus \$1.4b (in settlements and damages, respectively), as reported in the new, FY 2015 report (see on p. 19 in the new report, under the heading "Spent Nuclear Fuel Litigation," second paragraph). Thus, the average rate of disbursement from the Judgment Fund that is attributable to NWPA implementation delay has increased from \$739 thousand per calendar day to, now, \$821 thousand per calendar day.

This enhances the rationale discussed on pp. 5-6 of the PRM, under the heading "Reduce costs," because NRC's efforts to determine and correct the cause of the violation documented in *In re: Aiken County* (Ref. 1 in the PRM), as would be required under the first rule proposed in the PRM, now stand potentially to save the taxpayer even more money.

Recall that Ref. 11 in the PRM (reaffirmed by Ref. 1) documents the holding by the U.S. Court of Appeals for the District of Columbia Circuit that it is the NRC that currently has the ball to implement the NWPA.

I thought the rulemaking staff would be interested in this development.

I would be pleased to discuss if desired, at your convenience.

Thank you.

Jeff.

Jeffrey M. Skov
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972-953-8823 (cell)

-----Original Message-----

From: "DeJesus, Anthony"

Sent: Dec 1, 2015 3:57 AM

To: Jeff Skov

Cc: "Bladey, Cindy"

Subject: PRM Process [PRM-2-15; NRC-2015-0264]

Good morning Mr. Skov,

I received your phone call regarding the PRM you filed with the NRC.

The next step is that staff will prepare a docketing notice for publication in the *Federal Register*. This will let the public know that the NRC has docketed your petition. Once the NRC publishes the *Federal Register* notice you will receive another letter letting you know that we have published a *Federal Register* notice.

After publication of the docketing notice, the NRC will review and make a determination regarding your PRM. The NRC will make one of the following determinations:

1. The NRC undertakes a rulemaking that considers the issues raised by a petition for rulemaking.
2. The NRC does not undertake a rulemaking to address the issue raised by the petition for rulemaking.

In either case the NRC will inform you, in writing, of its decision and will publish a notice in the *Federal Register*. If the NRC denies your petition, we will inform you, in writing, of the grounds for denial.

The NRC's determination on the petition for rulemaking may be based upon, but is not limited to, the following considerations:

- The merits of the petition;
- The immediacy of the safety, environmental, or security concern raised;
- The availability of NRC resources and the priority of the issues raised in relation to other NRC rulemaking issues;
- Whether the problems or issues are already under consideration by the NRC in other NRC processes;
- The substance of any public comment received, if comment is requested; and
- The NRC's relevant past decisions and current policies.

I am unable to provide a precise timeline describing how long the determination process may take. The time required to review a PRM and make a determination is based on a number of factors, including staff resources and the complexity of the issues involved in your PRM. However, I can say that the NRC makes every attempt to make a determination on a PRM as expeditiously as possible. Furthermore, throughout the process the NRC will provide you with an update on your PRM (approximately every 6 months).

I hope this answers all of your questions.

Please let me know if you have any additional questions.

Sincerely,
Anthony



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Agency 2.802 Petition Coordinator
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