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January 13, 1998

Mr. John C. Hoyle
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

DOCKET NUMBER

PETITION RULE PRM 50+140
(62 FR 58690)

OFFICE
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ADJUDICATION

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DOCKETED
USNRC

ATTENTION: Rulemakings and Adjudications Staff

SUBJECT: NRC Proposed Rule, 10 CFR Parts 50 and 140 "Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors" (62 Fed. Reg. 58690-October 30, 1997)

Dear Mr. Hoyle:

ComEd appreciates the opportunity to comment concerning the subject NRC rulemaking.

ComEd endorses the intent to reduce the property and liability insurance coverage levels for permanently shutdown power reactors. For permanently shutdown reactors, there will be fewer risks and lower consequences compared to operating reactors. Therefore, a commensurate reduction in insurance coverage levels is appropriate.

ComEd supports the comments submitted by the Nuclear Energy Institute. In addition, ComEd provides the following specific comment:

Elimination of the Secondary Level of Liability Protection

On the basis of the supplementary information provided in the Federal Register notice and previous exemptions approved by the NRC¹, one intent of this subject rulemaking was to eliminate the requirement of secondary liability protection for permanently shutdown reactors.

¹ Regulatory Analysis for Rulemaking on Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors

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However, the proposed change to Part 140 does not eliminate specifically this requirement. As worded, the proposed change will reduce the combined total amount of secondary liability protection for all power reactors with rated capacity at or above 100,000 kW_e. This is accomplished by classifying permanently shutdown reactors as having zero-rated capacity electric, thus reducing the required total amount of secondary liability protection which is determined by \$75.5 million times the number of power reactors rated at or above 100,000 kW_e. For permanently shutdown reactors, this change does not eliminate directly the potential for deferred premiums associated with the requirement for secondary liability protection.

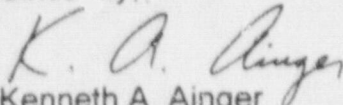
The following wording is suggested to clarify the intent of the changes to Part 140.

§ 140.11(a)(5).....

(Such reactors being classified as having zero electric power level rated capacity and the amount of secondary financial protection required as zero).

If you would like to discuss these comments further, please contact me at 630-663-5217 or Jim Abel at 630-663-5690.

Sincerely,



Kenneth A. Ainger

Decommissioning Services Licensing Manager