

February 5, 2009

MEMORANDUM TO: Those on the Attached List

FROM: Mark R. Shaffer, Director  
Division of Intergovernmental Liaison  
and Rulemaking **/RA/**  
Office of Federal and State Materials  
and Environmental Management Programs

SUBJECT: REVIEW AND CONCURRENCE: DECOMMISSIONING  
PLANNING FINAL RULE (RIN 3150-AH45)

Your concurrence is requested on the enclosed draft final rule. I request an expedited concurrence of ten days from the date of this memo. Your Office concurred on a prior version of this draft final rule, submitted to the Commission on October 1, 2008, as SECY-08-0144.

The only change in the enclosed draft final rule compared to SECY-08-0144 is the removal of joint and several liability language that had been in 10 CFR 30 Appendix A(III)(E), and conforming changes in the rule's preamble. The basis for removing this provision is discussed in the draft *Federal Register* notice for the rule, in Section III of Enclosure 1 in the response to Comment H.10. To help with your concurrence, changes to the documents that supported SECY-08-0144 are shown in redline-strikeout format in <http://portal.nrc.gov/edo/fsme/dilr/rbb/frdp/Shared%20Documents/Forms/AllItems.aspx>.

The final rule clarifies requirements under 10 CFR 20.1406 and 20.1501, revises financial assurance regulations, and adds more details to the reporting requirements under parts 30, 40, 50, 70, and 72 for decommissioning funding plans and financial status reports.

The following is a summary of this request:

1. Title: Decommissioning Planning
2. Task Leader: Kevin O'Sullivan, FSME/DILR 415-8112

CONTACT: Kevin O'Sullivan, FSME/DILR  
(301) 415-8112

3. Working Group: James Shepherd, FSME 415-6712  
Ken Kline, FSME 415-7075  
John Hull, OGC 415-1573  
Larry Pittiglio, NRR 415-1435  
Steven Garry, NRR 415-2766  
Thomas Fredrichs, NRO 415-5971  
Steven Schaffer, NRO 415-1093  
Tremaine Donnell, OIS 415-6258  
Betty Golden, ADM 415-6863  
Timothy Johnson, NMSS 492-3121  
Ray Wharton, NMSS 492-3316  
Ed O'Donnell, RES 251-7455  
Tom Conley, OAS 785-296-1565  
Mike McCann, R-III 630-829-9856
4. Unresolved Issue: None
5. Steering Group: No
6. Enhanced Public Participation: Yes
7. Compatibility for Agreement States: Yes
8. Requested Action: Office Concurrence.
9. Requested Completion Date: Ten calendar days after date of this memorandum.
10. Resources and Coordination: It is anticipated that 0.2 NRC FTE will be needed to complete this action (0.1 FSME, and 0.1 all other). These resources are within existing budget allocations. Copies of this package have been forwarded to ACRS, CRGR, and OIG for information. Time to review this package should be charged to TAC # JA0057.

Please notify the contact listed and provide the name of your reviewer. It is hoped that this step will further facilitate concurrence. Notification may be by either email or phone.

Enclosure: Commission Paper w/encls.

cc w/encl.: E. M. Hackett, ACRS  
J. Lyons, CRGR  
H. T. Bell, OIG  
S. Collins, Region I/ORR  
L. Reyes, Region II/ORR  
J. Caldwell, Region III/ORR  
E. Collins, Region IV/ORR  
E. Brenner, OPA  
J. Gray, OGC  
T. McGinty, NRR

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Ed O'Donnell, RES 251-7455  
Tom Conley, OAS 785-296-1565  
Mike McCann, R-III 630-829-9856
4. Unresolved Issue: None
5. Steering Group: No
6. Enhanced Public Participation: Yes
7. Compatibility for Agreement States: Yes
8. Requested Action: Office Concurrence.
9. Requested Completion Date: Seven calendar days after date of this memorandum.
10. Resources and Coordination: It is anticipated that 0.2 NRC FTE will be needed to complete this action (0.1 FSME, and 0.1 all other). These resources are within existing budget allocations. Copies of this package have been forwarded to ACRS, CRGR, and OIG for information. Time to review this package should be charged to TAC # JA0057.

Please notify the contact listed and provide the name of your reviewer. It is hoped that this step will further facilitate concurrence. Notification may be by either email or phone.

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DILR r/f

FSME r/f

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OFFICE:	DILR	DILR	DILR	DILR
NAME:	K. O'Sullivan	ACalvo	MThaggard	MShaffer
DATE:	2/4/2009	2/5/2009	2/5/2009	2/5/2009

OFFICIAL RECORD COPY

MEMORANDUM TO: Those on the Attached List

Memorandum Dated February 5, 2009

MEMORANDUM TO:

James E. Dyer, Director  
Chief Financial Officer

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Russell A. Nichols, Chief  
Records and FOIA/Privacy Services Branch  
Information and Records Services Division  
Office of Information Services

Bradley W. Jones, Assistant General Counsel  
for Rulemaking and Fuel Cycle  
Office of the General Counsel

Cynthia A. Carpenter, Director  
Office of Enforcement

Michael T. Lesar, Chief  
Rulemaking, Directives and Editing Branch  
Division of Administrative Services  
Office of Administration

Michael F. Weber, Director  
Office of Nuclear Material Safety  
and Safeguards

Brian Sheron, Director  
Office of Nuclear Regulatory Research

Michael R. Johnson, Director  
Office of New Reactors

Larry W. Camper, Director  
Division of Waste Management  
and Environmental Protection, FSME