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September 23, 1994

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Attention: Docketing and Service Branch
Washington, DC 20555

Serial No. GL 94-024
NL&P/GSS R1

Dear Sir:

**COMMENTS ON PROPOSED RULEMAKING
CLARIFICATION OF DECOMMISSIONING
FUNDING REQUIREMENTS
10 CFR PARTS 30, 40, 70, and 72**

In the June 22, 1994 Federal Register, the NRC requested comments on the proposed rulemaking to amend its regulations on decommissioning financial assurance and the expiration and termination of licenses. These amendments are intended to clarify that financial assurance for non-reactor licensees must be in place during operations and updated when the licensee decides to cease operations and begin decommissioning. We offer the following comments.

Section 72.54 (a)(2) would require the amount of the financial assurance to be adjusted as appropriate within 90 days of the notice of termination of activities to cover the detailed cost estimate for decommissioning. It would also require licensees that had not previously provided financial assurance for decommissioning to provide financial assurance within 90 days of the notice of termination. These requirements presume that the NRC staff will approve the licensee's proposed final decommissioning plan without modification which may not occur in all cases. Therefore, it is recommended that this section be revised to initiate the 90 day interval starting with the NRC staff's approval of the licensee's proposed final decommissioning plan rather than the notice of termination.

Section 72.54(a)(2)(ii) would require that following the approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance semiannually with the approval of the Commission. It is recommended that this section be removed from the proposed rule. This aspect of the rule seems to require Commission approval for the use of funds prior to performing decommissioning tasks that are part of a previously approved decommissioning plan. This would add unnecessary overhead to the


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decommissioning process. Permitting access to the funds only on a semiannual basis also seems unnecessarily restrictive. This aspect of the rule appears to require that funds be accessed prior to the performance of previously approved decommissioning tasks for which the funds were intended to be used. It seems more appropriate that licensees be allowed to access the funds as they are needed.

We appreciate the opportunity to make comments on the proposed rulemaking. If you have any questions, please contact us.

Very truly yours,



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