



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR 016

JUN 05 1985

Joseph Van Eaton, Esquire
Spiegel & McDiarmid
1350 New York Avenue, NW
Washington, DC 20005-4798

IN RESPONSE REFER
TO FOIA-85-270

Dear Mr. Van Eaton:

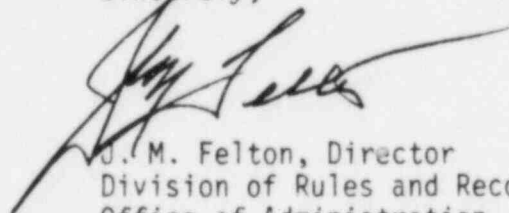
This is in further response to your letter dated April 12, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), three categories of documents concerning the proposed rule published on February 11, 1985, by the NRC entitled "Decommissioning Criteria for Nuclear Facilities" (50 FR 5600).

Appendix A is a list of documents subject to your request. With the exception of the document identified at number one on Appendix A, the NRC has already made these records available at the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC 20555, for public inspection and copying.

Appendix B is a list of documents that we are placing in the PDR for your inspection and copying. You may obtain access to these records by presenting a copy of this letter to the PDR staff or by requesting PDR folder FOIA-85-270 under your name.

The search for and review of additional records subject to your FOIA request have not been completed. We will notify you upon completion of the search and review.

Sincerely,



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

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APPENDIX A

1. 05/81 National Environmental Studies Project (AIF/NESP 021SR) - Analysis of Nuclear Power Reactor Decommissioning Costs (Summary Report) This report is available through Atomic Industrial Forum, 7101 Wisconsin Ave., Washington, DC 20014.
2. 03/30/83 Letter from N. J. Palladino to Senator George Mitchell, Accession No. 8304140555
3. 07/83 NUREG/CR-0672 Addendum 1, "Technology and Costs of Decommissioning a Reference Boiling Water Reactor Power Station. Accession No. 8308180441
4. 07/83 NUREG/CR-0130 Addendum 2, "Technology, Safety and Costs and Decommissioning a Reference Pressurized Water Reactor Power Station. Accession No. 8410170289
5. 05/14/84 "The Impact of NRC Estimates of Decommissioning Costs in Ratepayers and the Regulatory Process" - prepared for: Chemical Engineering Branch, Office of Nuclear Regulatory Research by Jeremy J. Siegel, Ph.D., Associate Professor of Finance, The Wharton School, University of Pennsylvania. Accession No. 8411050226.
6. 09/84 NUREG/CR-0130 Addendum 3, "Technology, Safety and Costs and Decommissioning a Referenced Pressurized Water Reactor Power Station. Accession No. 8410170293.
7. 09/21/84 Memorandum from Samuel J. Chilk to William J. Dircks, "Staff Requirements - Industry Views and Public Interest Group Comments on Decommissioning, 10:00 AM, Thursday, 09/20/84, Commissioners' Conference Room, DC Office. Accession No. 8409280533.
8. 10/17/84 Memorandum from Samuel J. Chilk to William J. Dircks, Staff Requirements - Discussion of Proposed Rules on Decommissioning Nuclear Facilities (Part 50), 10:00 AM, Wednesday, 10/10/84, Commissioners' Conference Room, DC Office. Accession No. 8411280294

APPENDIX B

1. 06/18/84 Transmittal of Documents Requested at Commission Briefing on June 11, 1984 (16 pages)
2. 08/08/84 Consultant Report of "Utility Financial Instability and the Availability of Funds for Decommissioning (3 pages)
3. 08/20/84 Staff Response to Recommendations made at 68th CRGR Meeting (1 page)
4. 08/28/84 Proposed Amendments to 10 CFR Parts 30, 40, 50, 51, 70, and 72: Decommissioning Criteria for Nuclear Facilities (123 Pages)
5. 09/07/84 SECY-84-354- Proposed Amendments to 10 CFR Parts 30, 40, 50, 51, 70, and 72: Decommissioning Criteria for Nuclear Facilities (121 pages)
6. 10/24/84 Transmittal of Information Requested at Commission Meeting on October 10, 1984 (1 page)

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April 12, 1985

Patricia Norry
Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA 85-270

rec'd 4/15/85

Re: Freedom of Information Act Request Concerning
Proposed Decommissioning Regulations.

Dear Ms. Norry:

The NRC has issued a Notice of Proposed Rulemaking regarding Decommissioning Criteria for Nuclear Facilities, 50 Fed. Reg. 5600 (Feb. 11, 1985). The following requests are made pursuant to the Freedom of Information Act, 5 U.S.C. §552 and §9.8 of the Commission's Rules, 10 C.F.R. §9.8, and concern that proposed rulemaking.

1. In the Notice of Proposed Rulemaking, the Commission proposes a \$100 million decommissioning cost estimate, apparently applicable to any utility nuclear generating facility. 50 Fed. Reg. at 5602. The NRC states that this \$100 million covers decommissioning costs for most utility licensees (50 Fed. Reg. at 5606); and also states that the \$100 million was chosen based on data in NUREG/CR-0130 and -0672, further taking into account escalation of these costs to 1984 dollars, additional costs of engineering and planning, use of contractors, variations in local labor rates, in waste transportation costs, and in local power costs. Id. Copies of the NUREG publications cited in the section described above -- the so-called Battelle or PNL studies -- are already in our possession, and need not be supplied in response to this request. Otherwise, please provide:

- a. all materials relied on by the NRC in concluding that the \$100 million estimate would cover decommissioning costs for most utility licensees; and

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- b. all materials relied on by the NRC to escalate the costs derived from the NUREG publications, including, but not limited to, documents which show what escalation factors the NRC relied on, and how those escalation rates were chosen.

2. The NRC has proposed to escalate decommissioning costs in the future at the rate of two times the CPI. 50 Fed. Reg. at 5606. The NRC states that this approximation was derived by analyzing the rate of escalation of the major cost elements in the Battelle studies over the last several years. Id. Please provide:

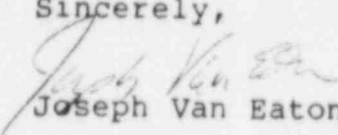
- a. the analysis on which the NRC relied in reaching its conclusion regarding the escalation of the major cost elements in the Battelle studies; and
- b. the materials (if any) on which the NRC relied which would indicate the relationship identified by the NRC between the CPI and escalation in decommissioning costs is likely to continue into the future.

3. A list of references is included in the Notice of Proposed Rulemaking. 50 Fed. Reg. 5611. Aside from those listed references, please provide all materials which relate to work performed or advice given by outside consultants, including the Atomic Industrial Forum or Thomas LaGuardia, on which the NRC relied in developing its proposed decommissioning rules.

We will be happy to pay reasonable costs incurred in responding to this request; however, please let me know if it appears those costs will exceed \$500.

As you know, comments regarding the proposed rules must be filed by May 13. Therefore, we would appreciate it if you could respond to this request as quickly as possible. Please give me a call if you have any questions concerning the requests.

Sincerely,


Joseph Van Eaton