

August 21, 2009

Richard Webster, Esq.  
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Dear Mr. Webster:

I am writing in response to your letter of July 1, 2009, regarding telephone calls placed by the U.S. Nuclear Regulatory Commission (NRC) staff to NRC licensees regarding potential shortfalls in their decommissioning funds. I understand your concern that the calls were not open to the public and want to assure you that the Commission recognizes that public involvement in the NRC's activities is an important element in assuring strong, fair, and transparent regulation. In order to ensure openness and transparency in the conduct of the agency's business, the Commission has adopted policies to provide numerous opportunities for members of the public to observe and participate in the agency's regulatory process. The NRC considers such involvement to be vital in assuring that the NRC fulfills its statutory mandate to protect public health and safety and the environment.

Consistent with this policy of openness, the NRC has adopted regulatory guidance, to ensure that members of the public receive timely notice of NRC staff meetings with licensees; that communications with licensees are documented; and that such documentation is made available for review by the public.

Although most NRC staff meetings with licensees are open to public attendance, the agency's open meeting policy recognizes that certain meetings may, in appropriate circumstances, be closed to the public. For example, meetings with external stakeholders (including NRC licensees) may be closed to the public where the meeting involves classified, Safeguards, proprietary, or privacy information. Similarly, meetings may be closed if an open meeting could result in the inappropriate disclosure and dissemination of preliminary, predecisional or unverified information.

Your letter refers to meetings between the NRC staff and various licensees regarding potential decommissioning funding shortfalls. These meetings consisted of telephone calls that the staff placed to various NRC reactor licensees concerning the licensees' potential decommissioning funding shortfalls. The staff's determination to conduct these calls without public attendance was consistent with the Commission's open meeting policy.

Shortly after these phone calls, on July 13, 2009, the staff made available to the public a document describing its estimated amount of decommissioning funding shortfalls through the NRC's Agencywide Documents Access and Management System (ADAMS Accession No. ML091940387) and is available on NRC's website at [www.nrc.gov/about-nrc/regulatory/decommissioning/finan-assur/bi-decom-reports.html](http://www.nrc.gov/about-nrc/regulatory/decommissioning/finan-assur/bi-decom-reports.html). The staff also held

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a public meeting on Thursday, August 20, 2009, to inform interested stakeholders about the NRC's decommissioning funding assurance process. These actions underscore the NRC's continued commitment to conducting agency business in an open and transparent manner.

Thank you for bringing your concerns to my attention.

Sincerely,

**/RA/**

Gregory B. Jaczko