

January 27, 2014

Dr. Thomas Webler, Ph.D.
Social and Environmental Research Institute
664 Main Street, Suite 47
Amherst, MA 01002

Dear Dr. Webler:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter to Chairman Allison M. Macfarlane, dated September 26, 2013, in which you conveyed an interest in the NRC process and practices regarding public and stakeholder engagement in the decommissioning of nuclear power plants.

Public involvement in the NRC's activities is a cornerstone of strong, fair regulation of the nuclear industry. The NRC recognizes the public's interest in the proper regulation of nuclear activities and provides various opportunities for citizens to make their opinions known. The NRC seeks to elicit public involvement early in any regulatory process, including decommissioning, so that safety concerns that may affect a community can be resolved in a timely and practical manner. This process is considered vital to assuring the public that the NRC is making sound, balanced decisions about nuclear safety. Consistent with this policy, the NRC frequently hosts meetings with interested stakeholders, including both non-government organizations and local and State Government officials, in order to discuss any topics that may be of interest to the public, interested stakeholders, and the surrounding community.

The NRC was created by the Congress to be an independent regulator charged with ensuring public health and safety and protecting the environment. As an independent regulator, the NRC ensures that all members of the public are given a fair and equal opportunity to comment on a licensee's decommissioning and license termination plans. This approach assures that one or more organizations does not dominate the public forum and allows members of the public to provide alternative and differing viewpoints and comments to the NRC.

However, the NRC recognizes the benefits and desire for community involvement in the decommissioning of a nuclear power plant. Decommissioning is a complex project and the NRC believes that decommissioning impacts should be vetted within the local community. For many years, the NRC encouraged licensees involved in decommissioning to obtain local citizen views and concerns regarding the decommissioning process and spent fuel storage issues. It has been the NRC view that those licensees who actively engage the community maintain better relations with the local citizens and can draw on their insights in planning and conducting decommissioning. NRC guidance related to involving the public and creating a site-specific community advisory board can be found in NUREG-1757, "Consolidated Decommissioning Guidance," Appendix M, "Overview of the Restricted Use and Alternate Criteria Provisions of 10 CFR Part 20, Subpart E," Section M.6.

However, it should be noted that Appendix M applies *only* to sites requesting to terminate a license with restricted use conditions, which has not occurred. To date, all nuclear power plant

facilities have been released for unrestricted use at the conclusion of decommissioning. In addition, Appendix M does not *require* licensees to create a community advisory board, but only provides recommendations for methods of soliciting public advice. Nonetheless, Section M.6 contains useful guidance and suggestions for effective public involvement in the decommissioning process that could be adopted by any licensee.

To date, the NRC has overseen the decommissioning of 11 nuclear power plants. Experience gained and lessons learned from these decommissioning projects have been well documented by both the NRC and the nuclear industry. In 2005, the Electric Power Research Institute (EPRI) published the “Maine Yankee Decommissioning – Experience Report – Detailed Experience 1997 – 2004” (EPRI 1011734). In this lessons learned report, the industry recognized that engaging the local community and officially forming a Community Advisory Panel or Board (CAP/CAB) is a good practice. Specifically, the EPRI report states that “the Maine Yankee Community Advisory Panel was established in 1997 to enhance opportunities for public involvement in the decommissioning process of Maine Yankee. The CAP represents the local community. By thoroughly reviewing the decommissioning process, the CAP is in a position to advise Maine Yankee on key issues of concern to the local community.”

In addition, the NRC held a decommissioning status meeting in October 2005, during which members of the Maine Yankee CAP were invited to speak to the Commission regarding their experiences. At this meeting, the Vice Chairman of the Maine Yankee CAP concluded that CAPs “provide an important window for the public in the process of decommissioning, and provide the opportunity for issues of local concern to be addressed both within and without the strict process defined by the regulations. As a result, in our decommissioning, a level of trust was gained that had evaded Maine Yankee for the previous 24 years of operation.” The complete information presented during that meeting can be found at <http://www.nrc.gov/reading-rm/doc-collections/commission/slides/2005/20051018/hudson-material-decommissioning.pdf>.

Since the decommissioning of Maine Yankee, licensees have employed a CAP or CAB at other sites, including Connecticut Yankee, Yankee Rowe, Big Rock Point, Millstone, and Humboldt Bay. For the nuclear plants currently entering into the decommissioning process, the NRC has strongly encouraged the licensees to establish a CAP/CAB for the decommissioning effort in order to enhance communications with the local communities and stakeholders. In addition, as part of our role as an independent regulator, the NRC frequently attends CAP/CAB meetings to address questions or concerns from the community members.

In addition to the above outreach activities, the NRC regulations currently offer the public several other opportunities to review and provide comments on licensee documents during the decommissioning process. Specifically, under the NRC regulations in Section 50.82 of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC is required to publish a notice of the receipt of the licensee’s Post-Shutdown Decommissioning Activities Report (PSDAR) and the License Termination Plan (LTP), make the PSDAR and LTP available for public comment, schedule separate meetings in the vicinity of the location of the licensed facility to discuss both the PSDAR and LTP within 60 days of receipt, and publish a notice of the meetings in the *Federal Register* and another forum readily accessible to individuals in the vicinity of the site. An example of this type of *Federal Register* notice for a PSDAR is the NRC’s Notice of Public Meeting and Availability of Report published in the *Federal Register* on April 1, 2013, for the Kewaunee Power Station (78 FR 19540).

The PSDAR serves as a main planning document for the decommissioning process, including the estimated cost of the decommissioning activities. By regulation, a licensee has 2 years from

the time operations are permanently ceased at the nuclear power plant (i.e., the beginning of decommissioning process) to submit the PSDAR. The licensee must submit its LTP at least 2 years before the license termination date (i.e., the end of the decommissioning process). In addition, because the NRC approves the LTP by amending the license, a hearing opportunity occurs for the LTP and follows the normal amendment process.

The NRC believes that adequate processes and the associated guidance documents are already in place to establish best practices regarding public and stakeholder engagement in the decommissioning of nuclear power plants within the bounds of the NRC's role as an independent regulator. In addition, the existing practices within the agency promote community involvement in the decommissioning process to the extent practicable and attempt to capture lessons learned during each decommissioning activity to improve the overall regulatory process. As such, the NRC does not currently plan to create a Regulatory Issue Summary or any other type of additional guidance document to further discuss public participation in the decommissioning process, but will continue to implement the process and procedures already established for the decommissioning of nuclear power plants.

Thank you for conveying your concerns about these matters. If you have any additional questions regarding this issue, please contact Marlayna Vaaler at 301-415-3178 or via email at Marlayna.Vaaler@nrc.gov.

Sincerely,

/RA/

Mark A. Satorius
Executive Director
for Operations

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