

**Congress of the United States**  
**Washington, DC 20510**

December 7, 2015

The Honorable Stephen G. Burns  
Chairman  
Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Burns:

We write in regard to the Nuclear Regulatory Commission's (NRC) recent advance notice of proposed rulemaking to seek public comments on proposed changes to the regulations regarding the decommissioning of nuclear plants. While we commend the NRC for proposing these long overdue regulations, we believe the short public comment period and the plan to have a single public meeting will not give local and state stakeholders sufficient opportunities to participate meaningfully in the rulemaking process.

We strongly believe that public meetings should be held in or near nuclear plants' host communities, and should provide attendees with ample opportunities to ask questions and understand the meaning and scope of the proposed rulemaking. Likewise, the comment period should be long enough to give a broad range of stakeholders sufficient time to formulate substantive comments to NRC. The current proposal, which extends throughout the holidays and ends on January 4, falls short of providing satisfactory time to comment.

We therefore respectfully request that NRC: (1) hold public meetings in each of the states in which a nuclear power plant is currently being decommissioned, or will be decommissioned in the next four years; and (2) extend the deadline for public comments to February 4, 2016. We believe these changes will more broadly engage host communities in the decommissioning process, which has unfortunately lacked a satisfactory role in the decommissioning planning process to date. Additionally, as NRC staff mentioned in the advanced notice of proposed rulemaking, regulations may take until 2019 to finalize. In the meantime, we request that NRC implement its existing regulations, instead of approving routine exemptions from existing safety, emergency response, security and financial surety requirements.

Thank you for your careful consideration of this matter, and please do not hesitate to contact Katie Thomas in Senator Sanders' office ([katie\\_thomas@sanders.senate.gov](mailto:katie_thomas@sanders.senate.gov)) or Michal Freedhoff in Senator Markey's office ([michal\\_freedhoff@markey.senate.gov](mailto:michal_freedhoff@markey.senate.gov)) with questions.

Sincerely,

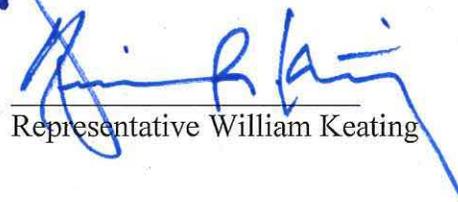
  
Senator Bernard Sanders

  
Senator Edward J. Markey

  
Senator Patrick Leahy

  
Senator Elizabeth Warren

  
Representative Peter Welch

  
Representative William Keating

December 29, 2015

The Honorable Bernard Sanders  
United States Senate  
Washington, DC 20510

Dear Senator Sanders:

On behalf of the U.S Nuclear Regulatory Commission (NRC), I am responding to the December 7, 2015, letter from you and your colleagues requesting additional public meetings and an extension of the comment period for the agency's Advance Notice of Proposed Rulemaking (ANPR) regarding the decommissioning of nuclear power plants. You also asked that we refrain from issuing to licensees undergoing decommissioning any exemptions from current regulations until new regulations are in place.

With regard to your request for additional public meetings, the NRC appreciates and shares the desire for public engagement. In fact, the NRC issued the ANPR in order to engage formally with the public at a very early stage in the rulemaking process. While the ANPR is not a mandated step in the rulemaking process, the NRC determined that formal comments received on the ANPR would inform subsequent phases of the rulemaking process (i.e., regulatory basis development, proposed rule development, and final rule development). These subsequent phases will offer public comment periods and public meetings.

Given the extensive plans for future public outreach, coupled with the fact that the ANPR was issued for preliminary input, the NRC does not plan to conduct regional public meetings at this point in the process. However, a public meeting was held at NRC headquarters in Rockville, MD, to discuss the ANPR on December 9, 2015. The NRC offered a teleconference and webinar opportunity for those who wished to participate remotely. Approximately 105 stakeholders participated in the meeting in person, by webinar, or by teleconference. As the NRC continues the rulemaking process over the next few years, the agency will consider conducting regional public meetings.

Your letter also requested that the NRC extend the deadline for public comments on the ANPR to February 4, 2016. The agency has received multiple requests to extend the comment period. The NRC has extended the comment period for an additional 75 days to March 18, 2016. An extension notice was published in the *Federal Register* on December 28, 2015 (80 FR 80709).

Finally, you requested that the NRC not grant decommissioning facilities exemptions from existing regulatory requirements until we have completed the current rulemaking. The NRC has issued requested exemptions to decommissioning licensees from certain regulatory requirements, which generally apply to an operating reactor, to reflect the reduced risks of permanently shut down and defueled reactors as compared to operating reactors. Exemptions are part of a well-established NRC process to modify emergency plans, security plans, and other programs commensurate with the site-specific risks that are present during decommissioning.

A licensee cannot be relieved from NRC requirements unless it provides a detailed technical application to the NRC to support the request and the NRC conducts a review to evaluate whether the requested exemption should be granted. In order to grant such requests, the NRC must find, among other requirements, that the action requested will not present an undue risk to, or will not endanger, the public health and safety, and is consistent with the common defense and security. Similarly, when considering a request to use decommissioning trust funds for purposes other than radiological decommissioning (e.g., spent fuel management), the NRC must determine that sufficient funds are (or will be) available for the radiological decommissioning activities required by NRC regulations. If there is reasonable assurance that additional funds are available beyond what is necessary to support radiological decommissioning, then the Commission may grant an exemption. We continue to believe that appropriate use of exemptions is an essential part of our regulatory program.

I appreciate your input on this important matter. If you need additional information, please contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

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Stephen G. Burns

Identical letter sent to:

The Honorable Bernard Sanders  
United States Senate  
Washington, DC 20510

The Honorable Edward J. Markey  
United States Senate  
Washington, DC 20510

The Honorable Patrick Leahy  
United States Senate  
Washington, DC 20510

The Honorable Elizabeth Warren  
United States Senate  
Washington, DC 20510

The Honorable Peter Welch  
United States House of Representatives  
Washington, DC 20515

The Honorable William Keating  
United States House of Representatives  
Washington, DC 20515