



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 24, 2016

Mr. Barnes Johnson, Director
U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
Washington, DC 20460

Dear Mr. Johnson:

I am responding to your March 16, 2016 letter on the Advanced Notice of Proposed Rulemaking (ANPR) regarding Regulatory Improvements for Decommissioning Power Reactors that was issued on November 19, 2015 and follow up telephone call on June 3, 2016.

After careful consideration of your request to ensure that the public is assured that the U.S. Nuclear Regulatory Commission (NRC) regulates the radiological decommissioning of nuclear facilities under the Atomic Energy Act of 1954, as amended, and that the U.S. Environmental Protection Agency (EPA) will continue to regulate the hazardous materials at nuclear power reactors under the Resource Conservation and Recovery Act (RCRA), we have determined that incorporating this message into the NRC's current rulemaking on reactor decommissioning may not provide a long-lasting communication. In the rulemaking process, issues are addressed typically as a one-time event in the *Federal Register* notice of issuance of a final rule.

In reviewing your request, we believe that a more long term communication for the public is through the NRC's publication, NUREG-1628, "Staff Responses to Frequently Asked Questions Concerning Decommissioning of Nuclear Power Reactors," and via the NRC's public website at its reactor decommissioning Frequently Asked Questions (FAQs) page.

We are in the process of updating NUREG-1628 and our website due to the recent plant shutdowns in 2013 and 2014 of five (5) power reactors. We will include questions and answers on EPA's responsibilities under RCRA as described in the memorandum between the NRC and EPA, dated October 9, 2002, as well as state that the RCRA cleanup and closure obligations are not inconsistent, and can be handled effectively and concurrently, with the NRC's license termination requirements. The present revision of NUREG-1628 contains FAQs on the responsibilities of other regulatory agencies, including EPA, in the decommissioning process. We will be updating our website by this fall and are expecting to have the revision to NUREG-1628 ready for publication by the end of the year.

B. Johnson

- 2 -

Again, thank you for the letter on the ANPR regarding Regulatory Improvements for Decommissioning Power Reactors. We believe that the NRC's approach to addressing your request will improve the decommissioning program by clearly and publicly delineating the roles and responsibilities between the NRC and EPA.

Sincerely,

/RA/

Bruce A. Watson, CHP, Chief
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

cc: William Dean, NRC
Scott Moore, NRC
Margaret Doane, NRC
Mike Scozzafava, EPA
Nancy Barmakian, EPA
John Michaud, EPA
Daniel Schultheisz, EPA

B. Johnson

- 2 -

Again, thank you for the letter on the ANPR regarding Regulatory Improvements for Decommissioning Power Reactors. We believe that the NRC's approach to addressing your request will improve the decommissioning program by clearly and publicly delineating the roles and responsibilities between the NRC and EPA.

Sincerely,

/RA/

Bruce A. Watson, CHP, Chief
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

cc: William Dean, NRC
Scott Moore, NRC
Margaret Doane, NRC
Mike Scozzafava, EPA
Nancy Barmakian, EPA
John Michaud, EPA
Daniel Schultheisz, EPA

DISTRIBUTION:

RidsOgcMailCenter Resource
MKhanna
JCarneal
JTappert
AKock

ADAMS Accession No.: ML16188A067

OFFICE	NMSS/DUWP	NMSS/DUWP/LA	NMSS/DUWP	OGC
NAME	BWatson	CHolston	AKock	HBenowitz
DATE	7/6/16	7/12/16	7/15/16	8/1/16
OFFICE	NRR/DPR	NRR/DPR	NMSS/DUWP	
NAME	JCarneal	MKhanna	BWatson	
DATE	7/6/16	7/25/16	8/24/16	

OFFICIAL RECORD COPY