Congress of the United States
Washington, DC 20515

September 16, 2016

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

Dear Chairman Burns:

We write to you today regarding the Nuclear Regulatory Commission's (NRC) proposed rulemaking for the decommissioning of nuclear power plants entitled *Regulatory Improvements for Power Reactors Transitioning to Decommissioning* (***Docket ID:*** *NRC-2015-0070).*

We appreciate the NRC's initiation of this proposed rulemaking. The decommissioning of a nuclear power plant has a significant impact on host communities, making it critical that the rules surrounding this process be more comprehensive, transparent, and inclusive.

The NRC's rulemaking solicits feedback on a number of questions, specifically:

> *"issues discussed in SECY-00-0145, such as the graded approach to emergency preparedness; lessons learned from the plants that have already (or are currently) going through the decommissioning process; the advisability of requiring a licensee's Post-Shutdown Decommissioning Activity Report (PSDAR) to be approved by the Nuclear Regulatory Commission; the appropriateness of maintaining the three existing options for decommissioning and the timeframes associated with those options; the appropriate role of State and local governments and non-governmental stakeholders in the decommissioning process; and any other issues deemed relevant by the Nuclear Regulatory Commission staff."* ***Docket ID:*** *NRC-2015-0070*

We support the scope of this approach as proposed by the NRC. Critically, such a scope would lay the groundwork for a framework to replace the current ad hoc process through which the NRC grants site-specific exemptions on a narrow, individual basis. As such, we were pleased to see the Commission vote to undertake its current rulemaking to develop a more comprehensive decommissioning framework.

However, we are concerned by recent requests calling on the NRC to narrow the scope of this rulemaking. Some parties have suggested that the NRC focus first on the standardization of exemption requests, while delaying consideration of the broader decommissioning questions such as whether or not PSDARs should be approved by NRC; what an appropriate decommissioning timeline should be; and the proper role of state and local government involvement. Delaying consideration of these important issues would hamper the NRC's proper goal of comprehensively reviewing and revising the rules that govern the decommissioning process.

Addressing these significant policy questions will have a material impact on any changes to the exemption request process. This has been made clear by local and state stakeholders in our communities who have requested this guidance from NRC to ensure a process is in place that fully respects and considers their input. Fast-tracking the exemption standardization process risks prioritizing the concerns of the nuclear industry over those of our constituents.

We would also like to take this opportunity to again highlight specific concerns we hope to see addressed in this rulemaking. Specifically, we urge that the final rule:

- enhance community involvement by requiring licensees of decommissioning reactors to include state and local officials' input into, and for the NRC to formally approve, licensees' decommissioning plans;
- ensure that decommissioning funds are used strictly for statutorily-authorized purposes;
- require spent nuclear fuel to be removed from wet storage and placed into safer dry cask storage as quickly as possible;
- ensure that the site of the plant is returned to beneficial use promptly, instead of decades after the plant ceases operations, and that licensees maintain or obtain the financial resources necessary to do so; and
- ensure that all emergency preparedness and response and security resources and licensing requirements remain in place until all the spent nuclear fuel is placed into safer dry cask storage.

Narrowing the scope of this rulemaking would be the wrong approach. We urge NRC to move forward with a comprehensive proposal. Thank you for your attention to our concerns and we look forward to your response.

Sincerely,

PETER WELCH
Member of Congress

PATRICK LEAHY
U.S. Senator

WILLIAM R. KEATING
Member of Congress

BERNARD SANDERS
U.S. Senator

MICHAEL E. CAPUANO
Member of Congress

EDWARD J. MARKEY
U.S. Senator

KATHERINE CLARK
Member of Congress

ELIZABETH WARREN
U.S. Senator

JOSEPH P. KENNEDY, III
Member of Congress

RICHARD J. DURBIN
U.S. Senator

STEPHEN F. LYNCH
Member of Congress

JAMES P. MCGOVERN
Member of Congress

NIKI TSONGAS
Member of Congress

RICHARD E. NEAL
Member of Congress

SETH MOULTON
Member of Congress

Cc: The Honorable Kristine L. Svinicki
The Honorable Jeff Baran