

Congress of the United States
Washington, DC 20515

December 12, 2016

The Honorable Stephen G. Burns
Chairman
United States Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, D.C. 20555-0001

The Honorable Kristine L. Svinicki
Commissioner
United States Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, D.C. 20555-0001

The Honorable Jeff Baran
Commissioner
United States Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, D.C. 20555-0001

Dear Chairman Burns, Commissioner Svinicki, and Commissioner Baran:

We write to inquire about the potential expansion of the United States Nuclear Regulatory Commission's (NRC) mission in regulating and licensing the transportation, storage, and disposal of nuclear materials and protecting human health and the environment. The United States Navy is considering the private disposal of reactor compartments from the United States Ship Enterprise (CVN 65) [USS Enterprise]. If selected, it is our understanding that this alternative would require the NRC to oversee and regulate the work of a private entity or entities conducting the decommissioning and disposal. Therefore, we seek your assistance in understanding the authority and capacity of the NRC to regulate such an effort by answering the following questions:

1. Has the NRC regulated the decommissioning, dismantling, transporting, and disposing of naval nuclear vessels in the past?
2. Over the past several years, Congress has reduced the budget for the NRC's Nuclear Materials and Waste Safety efforts. Does the NRC have any funding or Full-Time Equivalent (FTE) budgeted in FY2018 for such an effort?
3. Does the NRC have sufficient existing statutory authority to perform this mission? If not, why not? If possible please provide some specific citations of precedence, regulations, policy, and legislative intent that would support this?

4. Would the existing regulatory procedures and guidance (e.g., 10 CFR 20 and NUREG/CR-5884) cover the decommissioning, dismantling, transporting, and disposing of naval vessel nuclear reactor compartments such as the USS Enterprise or would new regulation procedures and guidance have to be produced? If new regulatory procedures, and guidance would be needed, how long would it take the NRC to promulgate, finalize, and implement these procedures and guidance—including public comment? Furthermore, what would be the cost for these efforts?
5. How would the NRC ensure a disciplined transfer of responsibilities from oversight of naval nuclear vessels from Executive Order 12444 to some type of NRC regulatory structure, given that there is no license termination process per 10 CFR 50.82?
6. How many FTEs would be needed to develop and implement a regulatory structure for decommissioning, dismantling, transporting, and disposing of naval vessel nuclear reactor compartments such as the USS Enterprise? Does the NRC have the requisite number of FTEs available to perform such work? Would the number of FTEs required result in a net increase in the overall number of FTEs at the NRC? Has the Office of Management and Budget approved such an increase?
7. Within the regulatory structure for decommissioning, dismantling, transporting, and disposing of naval vessel nuclear reactor compartments, who would the NRC consider to be the licensee, the United States Navy, a contractor of the United States Navy, the U.S. Department of Energy, or some other entity? What financial and administrative burdens would the licensee be responsible for in working with the NRC on this effort?
8. The Omnibus Budget Reconciliation Act of 1990 (as amended) directs the NRC to recover approximately 90 percent of its budget authority during each fiscal year through fees. In order to develop and implement a regulatory structure for decommissioning, dismantling, transporting, and disposing of naval vessel nuclear reactor compartments such as the USS Enterprise, would the NRC have to raise existing fees? What entities could be impacted by fee and service charge increases? Historically, have fee and service charge increases been passed onto the taxpayer, the private sector, or individual consumers?
9. In charging fees for the oversight of decommissioning, dismantling, transporting, and disposing of naval vessel nuclear reactor compartments such as the USS Enterprise, would the NRC use the Fee Schedule in 10 CFR 170? Would the NRC expect the United States Navy to pay such fees or the private entity or entities conducting the decommissioning and disposal? Is there any reason not to expect that paying such fees would effectively take funding from one part of the federal budget to another and from one appropriations subcommittee purview to another (Defense Appropriations Subcommittee to a civilian independent agency under the Energy and Water Development Appropriations Subcommittee)?
10. Upon the final disposal of naval vessel nuclear reactor compartments such as the USS Enterprise, would the NRC, United States Navy, or the private entity or entities

conducting the disposal be liable for any resulting possible harm to human health and the environment?

Understanding the regulatory and oversight capabilities of the NRC is critical to ensuring the safety and security of the workforce, public, and environment when decommissioning, dismantling, transporting, and disposing naval vessel nuclear reactor compartments. We respectfully request the NRC's response before December 31, 2016 to ensure all relevant information and perspectives are thoroughly considered before the United States Navy makes a final decision on this matter. We thank you for your consideration of this request and look forward to your response.

Sincerely,



Rep. Derek Kilmer



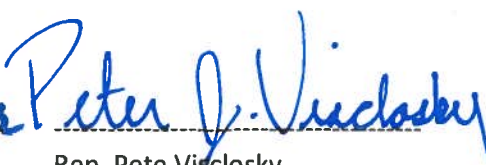
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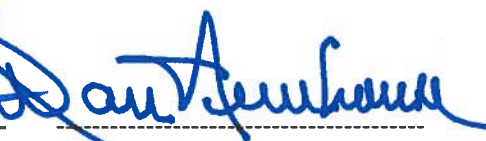
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