

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Ralph Hall**

**QUESTION 1.** A review of fee recovery rules for the last decade shows that corporate support has increased every year, with only one exception. The fee recovery rule for FY 2014 indicates the NRC spent \$486 million in corporate support. In the hearing, Chairman Macfarlane testified that the NRC estimates spending for FY 2015 is only \$362 million and cited page 151 of the NRC budget. Please describe how the NRC will achieve a reduction of \$124 million in one year when previous efforts have had no apparent impact.

Answer.

Corporate support components are represented differently in the FY 2015 Congressional Budget Justification (CBJ) and the FY 2014 Fee Rule (Fee Rule). Page 151 of the CBJ, which Chairman Macfarlane referenced, shows an FY 2014 corporate support budget of \$384 million, whereas the Fee Rule provides for an amount of \$486 million. In accordance with OMB circular A-25 (User Charges), the Fee Rule considers managers, administrative assistants, and other support personnel as well as the budget of the Office of the Inspector General to be “corporate support” components for the purpose of calculating the overall hourly Fees for Services rate under 10 CFR Part 170. The CBJ, on the other hand, allocates managers, administrative assistants, and other support personnel to the direct program areas for which they commit the majority of their time (e.g. Operating Reactors or Fuel Facilities).

Another difference between the Fee Rule and the CBJ is that the Integrated University Program grants budget (\$15 million) is considered a direct program cost under the Fee Rule, but corporate support under the CBJ. This distinction is made because grant funds are considered part of the 10 percent fee relief, and all fee relief is treated as direct work within the Fee Rule.

As I testified during the hearing, we are reducing corporate support by combining and centralizing administrative functions across the agency, and we are looking at where the agency and the industry will be in 5-6 years from now so that we can appropriately resize and restructure the agency to address the future. The FY 2015 request for corporate support is \$362 million, which represents a decrease of \$22 million when compared to FY 2014.

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**QUESTION 2.** The fee recovery rule for FY 2014 indicates 2,254 Mission Direct FTEs. This rule also indicates 1,375 direct hours worked per FTE during the year. According to the FY 2004 fee recovery rule, mission direct FTEs worked 1,776 direct hours. If NRC's current workforce returned to the level of direct hours worked to the levels achieved in 2004, the increase in the NRC's productivity would effectively equal the addition of roughly 509 FTEs.

**2a. Please explain this erosion of productivity.**

Answer.

The FY 2004 Fee Rule used an estimate of 1,776 hours per direct FTE to calculate the program hourly rates, pursuant to the Office of Management and Budget (OMB) circular A-76, "Performance of Commercial Activities." In the 2005 Fee Rule, the NRC revised the estimate of direct hours per FTE to more accurately reflect the NRC's costs of providing Part 170 services. The NRC determined that indirect costs such as administrative activities that a direct FTE may perform are more accurately considered overhead. Yet these hours were included in the 1,776 hours, thus overestimating the total.

Beginning in the FY 2005 Fee Rule, the NRC based the calculation of hourly rates on guidance from OMB circular A-25, "User Charges" which emphasizes that agency fees should reflect the full cost of providing services to identifiable beneficiaries. The NRC believes that by using an estimate of direct hours per direct FTE which reflects only direct staff time, we can achieve more accurate full costing. This revision from FY 2005 lowered the estimate of direct hours per direct FTE to 1,446, a decrease of 330 hours. The current FY 2014 estimate of 1,375 hours per direct FTE has decreased by 71 hours since FY 2005, due to fluctuations in indirect activities, annual leave projections, and new employees.

Although the method used to calculate hourly rates changed, the NRC's workload has not been static. While there are fewer operating reactors and fewer applications for new reactors than anticipated, the NRC's workload has increased in other areas. We are reviewing the operating license for Watts Bar Unit 2, transitioning to operational oversight for the new Vogtle and Summer reactors, preparing for small modular reactor design reviews, implementing the Fukushima lessons-learned and mitigating strategies, regulating the safe decommissioning of shut-down reactors, and addressing the court's remands regarding Waste Confidence and the licensing process for Yucca Mountain.

**2b. Please describe the steps NRC is taking to restore its productivity to previous levels.**

Answer.

Please see the answer to Question 2a above.

**2c. Please explain why the NRC's FY 2015 Congressional Budget Justification requests the addition of 66 FTEs rather than pursuing productivity improvement.**

Answer.

The NRC's budget in FY 2015 includes 3,819 FTEs (not including the Office of the Inspector General), which is essentially flat from FY 2014. The increase of 66 FTE in FY 2015 is attributable to a reallocation in FTEs that occurred in FY 2014 to accommodate other required programs and priorities such as the Integrated University Program, which was mandated through the FY 2014 appropriation. This reduction has not been reflected in FY 2015. As I testified during the hearing, we are reducing corporate support by combining and centralizing administrative functions across the agency, and we are looking at where the agency and the industry will be in 5-6 years from now so that we can appropriately resize and restructure the agency to address the future. The FY 2015 request for corporate support is \$362 million, which represents a decrease of \$22 million when compared to FY 2014.

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**QUESTION 3.** In addressing the Nuclear Energy Assembly on May 21, 2014, Chairman Macfarlane stated:

*"Of the 18 combined license applications we anticipated, licenses have been issued for two reactor sites and an additional eight are under active review, but six application reviews have now been suspended at your request and two applications have been withdrawn. In response, the NRC has had to define a path to redeploy underused resources to other priorities or transition to a smaller technical team. A similar story can be told with regard to small modular reactors. To borrow a metaphor, running a government agency is akin to driving an aircraft carrier, not a cigar boat. I can't turn this ship on a dime."*

**A review of previous fee recovery rules indicates a decline in 10 CFR Part 170 fees for each of the last three years. Please describe what actions the NRC is taking to better project the workload billable under Part 170 and how long it will take to bring NRC projections in line with actual fee recovery.**

Answer.

The NRC estimates the amount of 10 CFR Part 170 fees based on established fee methodology guidelines (42 FR 22149; May 2, 1977), which specify that the NRC has the authority to recover the full cost of providing services to identifiable beneficiaries. The NRC uses these established guidelines to apply the most current financial data and workload projections to calculate the 10 CFR Part 170 fee estimates.

Current financial data includes: 1) four quarters of the most recent billing data (hourly rate invoice data); 2) actual contractual work charged (prior period data) to develop contract work estimates; and 3) the number of FTE hours charged, multiplied by the NRC professional hourly rate.

The NRC is aware of the decreasing 10 CFR Part 170 fees charged for service over the last few years. Rather than being the product of less-accurate cost projections, the decline is due primarily to funds expended on generic activities for which we do not charge Part 170 fees associated with lessons learned from NRC's Fukushima Near-Term Task Force (NTTF). Some lessons-learned were immediately implemented at sites through orders and requests for information; others have required further policy development and technical study

As the NRC completes generic regulatory actions (such as rulemakings) in response to lessons we have learned from the Fukushima accident, the costs related to those actions will decline. Similarly, as the affected licensees and certificate holders begin to implement required regulatory actions, follow-on activities will likely result in site-specific action on the part of the NRC. This will likely cause an increase in Part 170 fees because the NRC will be shifting from generic, non-site-specific work to fee for service work. Many generic regulatory actions subsequent to the Fukushima NTTF report are still in progress and current cost distributions continue to reflect that workload.

The NRC's budget and estimates of 10 CFR Part 170 fees is driven by licensees and applicants projections and schedules for submitting license applications. In the case of power reactor applications, a number of application submittals have been delayed, which has resulted in a slow-down or suspension of the NRC's review and a corresponding decline in 10 CFR Part 170 fees. The NRC has actively responded by reducing staff and contract resource expenditures and by reorganizing staff assignments. The NRC is also undertaking a review that is intended to help the NRC more effectively accomplish its mission by, among other things, enhancing NRC's agility and flexibility to accommodate changing workload.

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**QUESTION 4.** There are 68 or more research projects listed in the FY 2015 budget request. Please provide a listing of all research projects under the Reactor Safety Budget including a short description of the project, its ranking in terms of quantitative Risk reduction, and specific funding amount requested for each project.

**ANSWER.**

In creating the agency’s FY 2015 budget, reactor safety program research projects are aggregated into “product” areas, rather than budgeted at the individual project level. Most of the reactor safety research projects listed in the FY 2015 budget request are aggregated in the budget categories listed below. The agency does not calculate risk reduction related to these projects and, therefore, cannot rank its projects in such terms. The agency’s research projects are typically prioritized under a high/medium/low scheme, and the offices work together on a periodic basis to reprioritize the work based on emergent needs, resource limitations, and other changes.

Products	FY 2015 President’s Budget	
	\$ K	FTE
Fukushima Near-Term Task Force	1,651	6.9
Generic Issues Program	225	7.7
International Research	2,946	5.9
Reactors Research	36,689	128.6
Advanced Reactors Research	910	6.7
New Reactors Research	3,371	14.0

A short description of each product is as follows:

**Fukushima Near-Term Task Force**

Research will be performed to address recommendations from the lessons-learned evaluation of the Fukushima accident. This will include probabilistic risk assessment of seismically induced flooding and fire, analysis of filtered venting, hydrogen control and mitigation, and enhanced reactor and containment instrumentation. This research also supports activities associated with individual rulemakings related to the NRC’s Near Term Task Force report recommendations on the Fukushima event (subsequently categorized into Tiers 1, 2, and 3) in the regulatory basis, proposed rule, and final rule phases. It also includes, as applicable, other rulemaking process phases (e.g. advanced notice of proposed rulemaking, rulemaking plan, etc.); and rulemaking support activities tied to the Near Term Task Force report recommendations (e.g., evaluating and documenting an agency decision on a petition for rulemaking, regulatory analysis guidance updates). Specific activities include rulemaking and associated guidance documentation and

coordination; project management, technical, legal, and administrative support for rulemaking working groups; and hosting public meetings.

#### Generic Issues Program

This product area includes activities for the identification and resolution of generic safety and security issues, which is mandated by Congress in Section 210 of the Energy Reorganization Act (1974). The program addresses issues that have potentially significant generic implications related to safety or security which cannot be more effectively resolved by other regulatory programs or processes.

#### International Research

This product area supports the agency's nuclear safety mission through the joint use of research facilities and cost-sharing with other countries and organizations. For example, international research activities support the Organisation for Economic Co-operation and Development/Nuclear Energy Agency multilateral projects; multilateral/bilateral research sponsored by other organizations, and bilateral cooperative research programs sponsored by the NRC. International cooperative research programs provide access to operating experience from foreign reactors, which contributes to NRC's knowledge base, and the development of risk-informed approaches to regulation.

#### Reactors Research

This product area supports research activities designed to: ensure that regulations and regulatory processes have sound technical bases, and that bases are refined as new knowledge develops; prepare for changes in the nuclear industry that could have safety implications; develop improved methods to carry out regulatory responsibilities; and maintain an infrastructure of expertise, facilities, analytical capabilities, and data/computer codes to support regulatory decisions. This research program supports the agency's Reactor Oversight Program and the implementation of the Accident Sequence Precursor Program.

#### Advanced Reactors Research

Research activities included in this product area support design certification and pre-application review activities for non-light water reactor (LWR) designs. Projects also include technical development activities to support the review of non-LWR designs. This includes the development of expertise, tools, and data to support the certification review of non-LWR designs in areas such as thermal hydraulics, severe accidents, nuclear analysis, probabilistic risk assessment, human performance, materials performance, and seismic/structural analysis.

#### New Reactors Research

This product area contains research activities that support design certification and pre-application review activities for LWR designs. It also includes technical development activities to support the review of LWR designs. This includes the development of expertise, tools, and data to support the certification review of LWR designs in areas such as thermal hydraulics, severe accidents, nuclear analysis, probabilistic risk assessment, human performance, materials performance, and seismic/structural analysis.

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**The Honorable John Shimkus**

**QUESTION 1.** In 2012, the DC Circuit Court remanded the NRC’s waste confidence rule. When will the revised rule become final?

**ANSWER.**

If approved by the Commission, the NRC staff expects that the rule will be final in the fall of 2014.

**1a. Given that spent fuel pool integrity was an issue raised by the DC Circuit in their remand of the waste confidence rule, how will the NRC satisfy the court if the seismic safety of the spent fuel pools remains an open question still under review?**

**ANSWER.**

The NRC is addressing the court’s remand by issuing a generic environmental impact statement (EIS) that addresses environmental impacts of continued storage of spent fuel after the licensed life of a reactor. This includes an analysis of the environmental impacts of spent fuel pool fires and spent fuel pool leaks caused by hazards, using existing technical studies as a basis for the environmental analysis. The NRC is confident that the environmental impact statement will satisfy the agency’s obligations under the National Environmental Policy Act with respect to continued storage of fuel after the licensed life of a reactor.



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**QUESTION 2. Following the DC Circuit Court’s remand of the waste confidence rule, the NRC instituted a moratorium on issuing certain licensing actions like new plants and license renewals. When will the waste confidence moratorium officially end?**

**ANSWER.**

As noted in response to Question 1, if the Commission approves a new final rule and a generic environmental impact statement, both could be issued in the fall of 2014, at which time licensing decisions can resume.

**2a. Does the NRC have a plan to ensure those licensing actions caught in the moratorium will be issued in a timely manner?**

**ANSWER.**

The NRC has put in place plans to minimize the impact on licensing actions in which final licensing decisions are postponed pending final Commission action on the court’s remand. Specifically, the NRC continues to work on all reviews of license applications and adjudications, other than those involving waste confidence issues, have also been ongoing. Once the court’s remand is addressed, the Commission will issue a decision explaining how licensing actions are to proceed. The NRC does not anticipate a surge in work that would necessitate a plan outside of its usual license-review process.

The NRC staff continues to work toward completing the reviews of license renewal applications during the moratorium. By September 2014, the staff expects to complete its safety and environmental reviews regarding the license renewal application for Limerick Generating Station, Units 1 and 2. The staff issued the final Safety Evaluation Report (SER) in January 2013, and a supplemental SER will be issued in September 2014 to address application updates since the completion of the final SER. The final Supplemental Environmental Impact Statement (EIS) will be issued in August 2014. The licensing decision is expected in early November 2014; however no final action can be issued until the court’s remand has been addressed. Based on the current schedule for the waste confidence rulemaking, no other license renewal decision is expected to be impacted, and the NRC continues to work towards completing the applications on the established schedules.

The NRC staff also continues to work towards completing the reviews of new reactor combined licenses while the rulemaking is on-going; neither the schedules of the combined license reviews or the NRC staff’s ability to move these items to closure have been adversely impacted by the rulemaking. Currently, no licensing actions for combined licenses are expected to be impacted by the rulemaking, and the NRC continues to work towards completing the applications on the established schedules.

Finally, if the Commission votes to approve and issue the final rule and generic environmental impact statement, the Calvert Cliffs and Prairie Island Independent Spent Fuel Storage Installation renewals, which have been affected by the agency’s efforts to address the court’s remand, will promptly resume, with sufficient time to render licensing decisions without significant schedule impacts.

**2b. One item caught in the moratorium is a new plant license for Watts Bar 2 in Tennessee. Is the NRC still on track to issue that license in Dec. 2014, as Chairman Macfarlane testified in our Dec. 12, 2013, hearing?**

ANSWER.

The NRC staff's review of the Tennessee Valley Authority's (TVA) Operating License application for Watts Bar Nuclear Plant Unit 2, while mostly complete, is still in progress. Issuance of a final operating license for this facility is dependent on the readiness of the licensee and the Commission's decisions regarding the final rule and generic environmental impact statement to address the court's remand. The NRC staff continues to document its findings in supplements to the safety evaluation report (SER) and construction inspection reports to ensure that TVA has met the applicable regulatory requirements. Currently, assuming the licensee's preparations are complete and the Commission votes to approve and issue the final rule and generic environmental impact statement, the NRC anticipates issuing a decision on Watts Bar 2's application for an operating license in the second quarter of fiscal year 2015.

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**QUESTION 3.** Page 151 of the NRC budget indicates that corporate support expenditures for FY 2014 of \$384 million a difference of \$102 million from the \$486 million indicated in the NRC's fee recovery rule for FY 2014. Please explain this discrepancy.

**ANSWER.**

Corporate support components are represented differently in the FY 2015 Congressional Budget Justification (CBJ) and the FY 2014 Fee Rule (Fee Rule). Page 151 of the CBJ, which Chairman Macfarlane referenced, shows an FY 2014 corporate support budget of \$384 million, whereas the Fee Rule provides for an amount of \$486 million. In accordance with OMB circular A-25 (User Charges), the Fee Rule considers managers, administrative assistants, and other support personnel as well as the budget of the Office of the Inspector General to be "corporate support" components for the purpose of calculating the overall hourly Fees for Services rate under 10 CFR Part 170. The CBJ, on the other hand, allocates managers, administrative assistants, and other support personnel to the direct program areas for which they commit the majority of their time (e.g. Operating Reactors or Fuel Facilities).

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As I testified during the hearing, we are reducing corporate support by combining and centralizing administrative functions across the agency, and we are looking at where the agency and the industry will be in 5-6 years from now so that we can appropriately resize and restructure the agency to address the future. The FY 2015 request for corporate support is \$362 million, which represents a decrease of \$22 million when compared to FY 2014.

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**QUESTION 4.** NRC staff spent over two years studying the safety of spent fuel pools- something they have studied more than ten times before, examining whether there was a safety benefit that warranted expedited transfer into dry casks. Their conclusion was that the risk of an offsite release of radiation was one in ten million years and that regulatory action was unnecessary. The staff submitted their recommendation on November 12, 2013, and the Commission has yet to complete their consideration of this matter.

**4a. How much was spent on this issue, both costs and staff time (in FTE)?**

**ANSWER.**

The NRC staff provided two staff papers to the Commission that examined the potential risks and consequences of a spent fuel pool fire and a generic regulatory analysis that examined the safety benefit of expediting the transfer of spent fuel into dry storage casks. They were the “Staff Evaluation and Recommendation for Japan Lessons-Learned Tier 3 Issue on Expedited Transfer of Spent Fuel,” dated November 12, 2013), and the “Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark 1 Boiling-Water Reactor,” dated October 9, 2013, more commonly known as the Spent Fuel Pool Study.

The NRC staff concluded that expedited transfer of spent fuel to dry cask storage would provide a minor or limited safety benefit. Therefore, the staff recommended to the Commission that no further generic assessments be pursued related to possible regulatory actions to require the expedited transfer of spent fuel to dry cask storage. The Commission recently approved this recommendation, “Staff Evaluation and Recommendation for Japan Lessons-Learned Tier 3 issue on Expedited Transfer of Spent Fuel”, dated May 23, 2014. The Commission also asked the staff to provide further information such as the potential benefits of alternate spent fuel loading patterns and seismic re-evaluations of spent fuel pools. The Commission decision on expedited transfer of spent fuel to dry cask storage closed out one of the Japan Lessons Learned activities that were identified in response to the Fukushima event.

The approximate costs associated with the development of the two policy papers are as follows:

Total Cost and Staff Time:	\$1,789,000 (Inclusive of 10.7 FTE)
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**4b. Please provide the dates each Commissioner voted on this matter.**

**ANSWER.**

Chairman Macfarlane voted on 4/8/14  
Commissioner Svinicki voted on 1/9/14  
Commissioner Apostolakis voted on 4/11/14  
Commissioner Magwood voted on 1/29/14  
Commissioner Ostendorff voted on 1/10/14

The Commission completed consideration of this matter with issuance of a Staff Requirements Memorandum dated May 23, 2014.

**4c. Please explain the reasons for any extensions of voting on this matter.**

ANSWER.

Commissioners are obligated to make informed decisions regarding matters of safety and security. In this instance, additional information was required from the NRC staff to help two Commissioners with their respective analyses. They received briefings from the NRC staff and engaged in additional study prior to establishing their policy positions, and crafting their votes. These briefings and the additional time needed to evaluate the NRC staff's analysis of the issue, and the completion of a thorough discussion of their policy position, as reflected in their votes, were the bases for the time committed to meeting their responsibilities as Commissioners.

**4d. Considering the time and focus dedicated to this Tier 3 issue on which the staff recommended no further regulatory action, please describe what actions the Commission is taking to ensure that the regular licensing workload will no longer be impeded or delayed in favor of matters of such low safety significance.**

ANSWER.

The NRC continues to examine, prioritize, and combine activities with a focus on safety. For example, the Commission directed the NRC staff on April 24, 2014 to take actions to address the backlog of licensing actions. Finally, the expedited spent fuel transfer study was accelerated because of a connection to the waste confidence rulemaking, and not because of its potential safety significance.

**4e. As the NRC proceeds to consider matters in Tiers 2 and 3, please describe how the Commission plans to ensure that items with slight safety benefits are dealt with in a more efficient and timely fashion.**

ANSWER.

The NRC is currently devoting the majority of its Fukushima lessons learned resources toward the implementation of the Near Term Task Force (NTTF) Tier 1 recommendations, which were identified as those needing to be addressed without delay. Many of the Tier 2 recommendations have been merged with other Tier 1 activities due to inherent similarities. Many of the Tier 3 recommendations were classified as such because they are reliant on the outcome of Tier 1 recommendations and/or require resources that are being expended on Tier 1 activities. For the most part, the Tier 3 items involve performing additional evaluations or research studies to address technical questions and to determine what, if any, safety enhancements might be warranted. The NRC will use normal agency processes and guidance (e.g., backfit and regulatory analysis guidelines) to determine whether a regulatory action is warranted for any of the Tier 3 recommendations.

**4f. Please explain how the Commission plans to return its attention to only those items with greater safety benefit instead of diverting NRC and licensee attention to such matters of slight safety significance.**

ANSWER.

The NRC has used its established policies and procedures to ensure that it can prioritize and act on those items with the greatest impact on public health and safety. The Commission and NRC staff have paid particular attention to making sure that the Fukushima-related activities have not adversely affected the safe operation of nuclear power plants. The NRC currently has an organization whose resources are dedicated to the implementation of the Near Term Task Force (NTTF) Tier 1 recommendations. This organization, the Japan Lessons Learned Division (JLD), is slated to be dissolved upon completion of a substantial portion of the Tier 1 activities, which is expected to occur in late 2016 or early 2017, consistent with the Commission-established schedules for Tier 1 activities. Upon dissolution of the JLD, the resources that were dedicated to the Tier 1 activities will return to the NRC's line organizations to continue working on assignments through normal agency processes. Any remaining Tier 2 and Tier 3 recommendations not completed prior to the dissolution of the JLD will be considered through normal agency processes that account for the safety significance of a regulatory action and the resources available to complete the action.

**4g. Given the NRC had sufficient funds to expend resources on an item with such low safety significance that has been studied ten times before, please explain why the NRC needs additional funding and staff.**

ANSWER.

The actual FTE needs in FY 2015 for this issue are comparable to FY 2014.

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**QUESTION 5.** Chairman Macfarlane testified that the sharp increase in 10 CFR Part 171 fees billed to reactor operators was due to several factors-including the impacts of sequestration reductions in 2013 and an accounting error of approximately \$20 million. The NRC was funded at the FY 2013 level during the pendency of the FY 2014 continuing resolutions until the final FY 2014 Omnibus Appropriations bill was enacted and NRC was appropriated the full amount of its budget request, unexpectedly receiving a windfall appropriations amount upon enactment of the FY 2014 Omnibus Appropriations bill.

**5a. Please provide a detailed explanation of reductions taken in early FY 2014 while NRC was operating under a CR, including deferred, delayed, or cancelled activities and actions.**

**ANSWER.**

The NRC budgeted at the FY 2013 sequestered level during the FY 2014 continuing resolution. Activities that were deferred at the outset of the FY 2014 fiscal year included:

- Research activities in the Operating Reactors Business Line. Examples include delays in the Level III Probabilistic Risk Assessment; responses to the NRC's Risk Management Task Force recommendations; key materials performance work regarding reactor pressure vessel integrity and steam generator research; accident consequence computer code development and assessment; cable fire testing; and, a cancer risk study.
- New reactor combined license application reviews associated with the Bell Bend, Calvert Cliffs, South Texas Project, and Turkey Point combined license applications, and the Public Service Enterprise Group, Incorporated early site permit application at Salem County, New Jersey.

Once funding was made available, these activities were resumed.

**5b. Please provide a detailed explanation of actions taken by NRC to modify the FY 2014 spending plan upon receipt of the windfall funding increase arising from passage of the FY 2014 Omnibus Appropriations bill, including any activities or actions that were resumed or accelerated in an effort to return to schedule.**

**ANSWER.**

The apparent FY 2014 funding increase was a result of a comparison to reduced FY 2013 funding levels under sequestration. During FY 2013 sequestration and the FY 2014 continuing resolution, the NRC developed plans to operate at reduced funding levels. Once the agency's full FY 2014 budget was received the NRC resumed work that had been delayed or deferred. For example, significant activities that were resumed in FY 2014 included:

- Research activities in the Operating Reactors Business Line including the Level III Probabilistic Risk Assessment; responses to the NRC's Risk Management Task Force recommendations; key materials performance work regarding reactor pressure vessel

integrity and steam generator research; accident consequence computer code development and assessment; cable fire testing; and, a cancer risk study.

- New reactor combined license application reviews associated with the Bell Bend, Calvert Cliffs, South Texas Project and Turkey Point combined license applications, and the Public Service Enterprise Group, Incorporated early site permit application at Salem County, New Jersey.

NRC plans to obligate all available funds this fiscal year.

**5c. Please provide the NRC's current amount of "carry-over" funding.**

ANSWER.

Approximately \$37.2 million is available carryover funding, including \$3.5 million from the Nuclear Waste Fund (NWF). The total available carryover by Funds Source is shown below.

**NRC Carryover Funding as of May 31, 2014**

Funds Source	Total Available Carryover
Fee Based & General Funds	\$ 31.9
NWF	3.5
Office of Inspector General	\$ 1.7
<b>Total</b>	<b>\$ 37.2</b>

**5d. Please discuss NRC's plans to treat the FY 2014 appropriations windfall as an over collection which would, in turn, be used to offset fee collections in FY 2015.**

ANSWER.

The NRC is required by Omnibus Budget Reconciliation Act of 1990 (OBRA- 90), as amended, to collect fees in order to recover approximately 90 percent of its budget authority. In accordance with that statute, the NRC must collect the mandated level of fees by the end of the fiscal year to which they are attributed (in this case, September 30, 2014). Neither the late receipt of FY 2014 appropriations, nor the unobligated balances from prior year's appropriations have any impact on the agency's obligation to recover 90 percent of its current year budget authority in the year appropriated. However, if fees in excess of the 90 percent requirement were collected one year (possible because of unanticipated collections after the final rule was published), the following year's fee recovery would be reduced by an equivalent amount.



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**QUESTION 6.** Please describe what actions have been taken to restore efficiency and predictability to the power uprate program, given the concerns raised about this issue in our Dec. 12, 2013, hearing.

**ANSWER.**

The NRC's operating reactor power uprate program has been effective. The NRC has completed reviews of 154 applications for power uprates that added over 7,000 megawatts of electric power capacity to the U.S. electrical grid since the 1970's. This is roughly the equivalent of seven new large electrical generating facilities. The NRC has approved six power uprates so far this fiscal year (FY). There is also one application under active review, and two applications on hold waiting for licensees to provide necessary information.

The NRC has seen a significant reduction in new power uprate applications, but power uprates remain a high priority for the Commission. The NRC staff has been directed to inform the Commission of technical or timeliness issues that arise related to power uprates. The NRC continues to have staff dedicated to the power uprate program, which includes reviewing power uprate licensing requests and maintaining related procedures, guidance, and timeliness goals. These activities help ensure the efficiency and predictability of the power uprate program, and continued attention by NRC leadership.

In 2012, as part of a lessons-learned review of the power uprate program, the NRC changed the timeliness goals for uprates to provide more predictability to power uprate reviews. These changes were necessary to reflect NRC safety review requirements and to incorporate experience gained from reviews conducted to date. The revised timeliness goals enable the staff to complete the appropriate safety review, support management oversight of the review activities, and provide realistic targets so industry can gauge expectations for review times.

Timeliness goals for reviewing power uprate applications depend on licensees providing all the information the NRC staff needs to determine whether the application meets all regulatory requirements, thus ensuring public health and safety through the completion of the appropriate safety reviews. In some cases, the timeliness goals for power uprates have not been met due to the NRC's identification of safety and technical issues, review of operating experience, and the licensees requiring time to address these issues. Delays have also occurred as a result of licensee proposed engineering changes beyond the scope of a typical uprate application. Some power uprate applications recently reviewed were impacted by the agency's post-Fukushima activities, particularly as NRC staff resources in some specialized technical disciplines have been redirected.

The NRC staff continues to participate in discussions with stakeholders, including the nuclear industry, on enhancements to the power uprate program. As an example, the NRC staff participates in activities such as the Nuclear Energy Institute Licensing Action Task Force. As part of that effort, the NRC staff piloted a pre-application meeting process to improve the quality of discussions and the documenting of decisions regarding power uprate applications. Additionally, the NRC staff is reviewing topical reports supporting resolution of long-standing

technical issues, which should improve the efficiency of the NRC review of some power uprate applications.

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**QUESTION 7.** I understand a foreign country has asked the NRC for certification of their reactor design for construction, not here in the U.S., but in another country. Considering the NRC is taking seven to eight years to review designs planned for construction here in the U.S., why is the NRC freelancing internationally instead of completing its work on domestic applications?

**ANSWER.**

The Korea Hydro & Nuclear Power Company (KHNP) approached the NRC in 2012 to discuss certification of its APR-1400 design under NRC's regulations with the stated intent of marketing this design to U.S. utilities. While versions of the APR-1400 have been and are being constructed in other countries, the design submitted for NRC design certification will be specific to the U.S. and will only be certified if it meets applicable U.S. regulations. The NRC does not make business decisions for U.S. electricity producers about what designs they might seek to license and build. Nor does the NRC's statutory mandate allow it to prioritize one application over another, or reject an application for non-technical or non-safety related reasons. Rather, NRC's role in this process is to make certain that any designs certified by the NRC meet applicable standards for licensing, construction, and operation in the U.S.

**7a. The NRC refused to accept this application late last year. Since the NRC had been planning to start reviewing this application and that work is now delayed, will this situation cause the NRC to offset the lost revenue by increasing operating reactor fees?**

**ANSWER.**

Korea Hydro and Nuclear Power Company (KHNP) / Korea Electric Power Corporation (KEPCO) submitted an application for certification of the Advanced Power Reactor 1400 to the NRC on September 30, 2013. The NRC subsequently conducted a thorough review of the application, and on December 17, 2013 notice was given to KHNP and KEPCP that additional information was required to process the application and, therefore, the NRC had decided not to accept the application for design certification at this time. While the NRC awaits KHNP/KEPCP's revised application, the NRC has shifted resources to other 10 CFR 170 fee-for-services work. As a result, the NRC was able to maintain the balance of fees collected under 10 CFR Part 170, and no adjustment to the annual fees (10 CFR Part 171) charged to operating reactor licensees was necessary.

**7b. Since post-Fukushima work is, in many cases, diverting scarce technical resources away from other routine work, why would the NRC expend resources to review a foreign design for construction in a foreign country?**

**ANSWER.**

As stated in response to Question 7 related to KHNP, the design certification application that KHNP is expected to submit later this year will be intended for domestic applications by U.S. utilities. The NRC will perform the review of this design on a schedule that reflects budgeted resources and appropriate NRC priority.

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Joseph R. Pitts**

**QUESTION 1.** Please provide a breakdown of the budgeted and actual resources for each tier of post-Fukushima activities for FY 2012, 2013, 2014, and 2015 including the following information:

- a. Cost estimates and actual costs.
- b. The estimated number of FTE's and the actual number of FTE's; and
- c. The estimated amount of contract support and the actual amount of contract support.

**ANSWER.**

a. The following table represents the total resources for Fukushima Tiers 1, 2, and 3 activities inclusive of contract support dollars and FTE:

<b>Fiscal Year</b>	<b>Budgeted (\$K)</b>	<b>Actuals* (\$K)</b>
<b>2012</b>	7,504	8,329
<b>2013</b>	19,152	19,137
<b>2014</b>	26,293	Not available
<b>2015</b>	26,617	Not available

b.c. The following table represents the total resources for both contract support dollars and FTE for Fukushima Tiers 1, 2, and 3 activities:

<b>Fiscal Year</b>	<b>Contract Support (\$K)</b>		<b>Full Time Equivalents</b>	
	<b>Budgeted</b>	<b>Actuals</b>	<b>Budgeted</b>	<b>Actuals*</b>
<b>2012</b>	2,000	2,405	35.3	Not available
<b>2013</b>	6,207	8,584	84.9	Not available
<b>2014</b>	10,325	Not available	99.8	Not available
<b>2015</b>	10,431	Not available	99.3	Not available

\* The method used to capture resources spent on post-Fukushima activities is not structured to report FTE actuals by tier.

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Robert E. Latta**

**QUESTION 1.** For the purposes of budgeting, how does the NRC estimate how much it expects to recover in 10 CFO CFR Part 170 fees? Please provide the projections for recovery of 10 CFR Part 170 fees used in each of the budgets for the past 10 years and for FY 2015 so that we can compare the accuracy of NRC's projections for 170 fees with actual collections.

**ANSWER.**

The NRC estimates the amount of 10 CFR part 170 fees based on established fee methodology guidelines (42 FR 22149; May 2, 1977), which specifies that the NRC has the authority to recover the full cost of providing services to identifiable beneficiaries. The NRC uses these established guidelines to apply the most current financial data and workload projections to calculate the 10 CFR part 170 fee estimates.

Current financial data include: 1) four quarters of the most recent billing data (hourly rate invoice data); 2) actual contractual work charged (prior period data) to develop contract work estimates; and 3) the number of FTE hours charged, multiplied by the NRC professional hourly rate. Below please find the ten (10) years' 10 CFR part 170 projections as well as the proposed FY 2014 rule. The FY 2015 proposed fee rule is expected in March 2015:

	Final Fee Rule: Estimated 10 CFR Part 170 Fees
FY 2015	[FY15 Proposed Fee Rule expected in March 2015]
FY 2014	\$324.5 [Proposed Rule]
FY 2013	\$348.0
FY 2012	\$345.2
FY 2011	\$369.3
FY 2010	\$357.3
FY 2009	\$333.9
FY 2008	\$291.8
FY 2007	\$205.1
FY 2006	\$183.3
FY 2005	\$157.5
FY 2004	\$149.9

\* All figures in millions of dollars

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Robert E. Latta**

**QUESTION 2.** Considering that the NRC's fee recovery rules for FY 2013 and FY 2014 each accounted for the cessation of operation by two reactors and that all four of these reactors were shut down prior to NRC finalizing its FY 2015 budget, what effort did the NRC make to adjust its 2015 budget to reflect the workload reduction due to the loss of those four reactors?

**ANSWER.**

There was a reduction in the baseline reactor inspection program resources commensurate with the shutdown of these plants; however, some resources are retained for each site to complete the decommissioning process. Resources support decommissioning program activities such as developing regulations and guidance to assist staff and the regulated community; conducting research to develop data, techniques, and models used to assess public exposure from the potential release of radioactive material resulting from site decommissioning; reviewing and approving decommissioning plans (DPs) and license termination plans (LTPs); reviewing and approving license amendment requests for decommissioning facilities; inspecting licensed and non-licensed facilities undergoing decommissioning; developing environmental assessments (EAs) and environmental impact statements (EISs) to support the NRC's reviews of decommissioning activities; reviewing and approving final site status survey reports; and conducting confirmatory surveys.

The NRC ensures that safety requirements are being met throughout the decommissioning process by reviewing decommissioning or license termination plans, conducting inspections, and monitoring the status of activities to ensure that radioactive contamination is reduced or stabilized. Additionally, the NRC will continue to carry out its responsibility to conduct annual decommissioning financial assurance reviews of the submissions for each of the power reactors currently in decommissioning, which includes oversight of decommissioning financial assurance for power and non-power reactors.

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Robert E. Latta**

**QUESTION 3.** In addressing the Nuclear Energy Assembly on May 21, 2014, Chairman Macfarlane stated:

***"Court decisions, a foreign reactor accident, and government-wide financial challenges have each impacted our current course, in many cases diverting scarce technical resources away from other routine work. "***

**Please provide a list of routine licensing actions which the NRC has delayed by diverting technical resources. Please describe what the NRC is doing to improve its ability to complete routine licensing actions in a timely fashion.**

**ANSWER.**

A total of 64 routine licensing activities have been delayed by diverting technical resources to Fukushima-related reviews. A list of these activities is provided below. The Commission directed the NRC staff on April 24, 2014, to take actions necessary to reverse the backlog of licensing actions. Accordingly, resources have been and will continue to be shifted within the operating reactors program office and from other program offices to allow for more efficient completion of the regular licensing workload. Additionally, where appropriate, contract resources are being identified to supplement the staff's efforts. The NRC continues to examine, prioritize, and combine activities with a focus on safety.

AREVA - EMF-2310(P)(A), Revision 1, Supplement 1, Revision 0, "SRP Chapter 15 Non-Loss of Coolant Accident (LOCA) Methodology for Pressurized Water Reactors (PWRs)"

ARKANSAS NUCLEAR 1 - Revision to Technical Specification (TS) 2.1.1.1, Reactor Core Safety Limits

BEAVER VALLEY 1 - Removal of TS Requirement to Perform End-of-Life MTC Measurement

BEAVER VALLEY 2 - Removal of TS Requirement to Perform End-of-Life MTC Measurement

BRAIDWOOD 1 - Request to Revise TS (TS) 3.3.6

BRAIDWOOD 2 - Request to Revise TS (TS) 3.3.6

BROWNS FERRY 1 - TS-478 - Addition of Analytical Methodologies to TS 5.6.5 for BFN Units 1, 2 and 3 and Revision of TS 2.

BROWNS FERRY 2 - TS-478 - Addition of Analytical Methodologies to TS 5.6.5 for BFN Units 1, 2 and 3 and Revision of TS 2.

BROWNS FERRY 3 - TS-478 - Addition of Analytical Methodologies to TS 5.6.5 for BFN Units 1, 2 and 3 and Revision of TS 2.

BWR OWNERS GROUP - NEDC-33608P, LTR BWR ECC Suction Strainer In-Vessel Downstream Effects

BYRON 1 - Request to Revise TS 3.3.6

BYRON 2 - Request to Revise TS 3.3.6

CALLAWAY - Revise TS 3.7.9, UHS

CALVERT CLIFFS 1 - Enhancements to Diesel Generator Surveillance Requirements

CALVERT CLIFFS 2 - Enhancements to Diesel Generator Surveillance Requirements

CATAWBA 1 - Moderator Temp Coeff SR changes TS 3.1.3 and 5.6.5

CATAWBA 2 - Moderator Temp Coeff SR changes TS 3.1.3 and 5.6.5

COLUMBIA GENERATING STATION - Amendment for PRNM/ARTS/MELLA

COLUMBIA GENERATING STATION - TS Interpretation - Offsite Power Supply

EPRI SDA - TR WCAP 17096-NP, Revision 2, December 2009, "Reactor Internals Acceptance Criteria Methodology & Data Requirements"

FARLEY 1 - Condensate Storage Tank volume

FARLEY 2 - Condensate Storage Tank volume

FERMI 2 - License Amendment Request for Measurement Uncertainty Recapture Power Uprate

GE NUCLEAR ENERGY - TRACG Application for Emergency Core Cooling Systems / Loss-of-Coolant-Accident Analyses for BWR/2-6

GLOBAL NUCLEAR FUEL (GNF) - TR - Amendment 37 to GESTAR II (NEDE-24011-P-A-19 / NEDE-24011-P-A-19-US)

GRAND GULF 1 - Feedwater Temp Reduction LAR

HF CONTROLS - Review of Amendments to safety evaluation for the HFC-6000 Safety Control System Topical Report

INDIAN POINT 3 - Emergency Diesel Generator Fuel Oil System

MCGUIRE 1 - Moderator Temp Coeff SR changes TS 3.1.3 and 5.6.5

MCGUIRE 1 - TS 3.7.7 Nuclear Service Water System

MCGUIRE 2 - Moderator Temp Coeff SR changes TS 3.1.3 and 5.6.5

MCGUIRE 2 - TS 3.7.7 Nuclear Service Water System

NINE MILE POINT 1 - License Amendment Request - Diesel Generator Initiation - Degraded Voltage Time Delay Setting Change

OCONEE 1 - Borated Water Storage Tank Purification Using Non-Seismic Reverse Osmosis System



OCONEE 2 - Borated Water Storage Tank Purification Using Non-Seismic Reverse Osmosis System

OCONEE 3 - Borated Water Storage Tank Purification Using Non-Seismic Reverse Osmosis System

PALO VERDE 1 - Request for Amendment to Eliminate the Use of the Term CORE ALTERATION in the TSs

PALO VERDE 1 - TSTF-500 DC Electrical Rewrite

PALO VERDE 2 - Request for Amendment to Eliminate the Use of the Term CORE ALTERATION in the TSs

PALO VERDE 2 - TSTF-500 DC Electrical Rewrite

PALO VERDE 3 - Request for Amendment to Eliminate the Use of the Term CORE ALTERATION in the TSs

PALO VERDE 3 - TSTF-500 DC Electrical Rewrite

PEACH BOTTOM 2 - Extended Power Uprate

PEACH BOTTOM 2 - Revise Normal Heat Sink Operability Requirements

PEACH BOTTOM 3 - Extended Power Uprate

PEACH BOTTOM 3 - Revise Normal Heat Sink Operability Requirements

PRAIRIE ISLAND 1 - LAR to Add a Methodology to TS 5.6.5 - COLR

PRAIRIE ISLAND 2 - LAR to Add a Methodology to TS 5.6.5 - COLR

RIS - Staff position on the clarification of submitting of alternatives under 10 CFR 50.55

SEABROOK 1 - SFP LAR

SUSQUEHANNA 1 - Change to TS 2.1.1 - Low Pressure Safety Limit and Reference Changes

SUSQUEHANNA 1 - Change to TS SR 3.8.1.19-Increase to DG E Minimum Steady State Frequency

SUSQUEHANNA 1 - TS SR-Increase Diesel Generator Minimum Steady State Voltage

SUSQUEHANNA 2 - Change to TS 2.1.1 - Low Pressure Safety Limit and Reference Changes

SUSQUEHANNA 2 - Change to TS SR 3.8.1.19-Increase to Diesel Generator E Minimum Steady State Frequency

SUSQUEHANNA 2 - TS SR-Increase Diesel Generator Minimum Steady State Voltage

TOSHIBA CORPORATION - Topical Report on Field Programmable Gate Array

WATTS BAR 1 - Amendment to Update FSAR Re Changes to Hydrologic Analysis

WESTINGHOUSE VENDOR - Data Satisfying CENPD - 404-P-A SER Condition 4

WESTINGHOUSE VENDOR - WCAP-16182-P-A, Revision 1, "Westinghouse BWR Control Rod CR 99 Licensing report - Update to Mechanical Design Limits"

WESTINGHOUSE VENDOR - WCAP-16996-P Volumes I, II, & III, Revision 0 and WCAP-16996-NP, Volumes I, II, & III, Revision 0

WESTINGHOUSE VENDOR - WCAP-17503-P, Revision 0 and WCAP-17503-NP, Revision 0, "Westinghouse Generic Setpoint Control Program Recommendations"

WESTINGHOUSE VENDOR - WCAP-17721, "Westinghouse Containment Methodology P&E Release" topical report review

WOLF CREEK 1 - Increase Voltage Limit for Diesel Generator Load Rejection Surveillance Requirement

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Robert E. Latta**

**QUESTION 4.** In addressing the Nuclear Energy Assembly on May 21, 2014, Chairman Macfarlane stated:

*“Of the 18 combined license applications we anticipated, licenses have been issued for two reactor sites and an additional eight are under active review, but six application reviews have now been suspended at your request and two applications have been withdrawn. In response, the NRC has had to define a path to redeploy underused resources to other priorities or transition to a smaller technical team. A similar story can be told with regard to small modular reactors. To borrow a metaphor, running a government agency is akin to driving an aircraft carrier, not a cigar boat. I can’t turn this ship on a dime.”*

Given this reduction in work load and your ability to redeploy underused resources, please explain the NRC’s request for additional resources and FTE’s in the FY 2015 budget.

**ANSWER.**

The NRC’s budget in FY 2015 includes 3,819 FTE’s (not including the Office of the Inspector General), which is essentially flat from FY 2014. The increase of 66 FTE in FY 2015 is attributable to a reallocation of FTE’s that occurred in FY 2014 to accommodate other required programs and priorities such as the Integrated University Program, which was mandated through the FY 2014 appropriation. This has not been reflected in FY 2015. The NRC is continuing to assess appropriate staffing levels.

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Adam Kinzinger**

**QUESTION 1.** Given that the agency expects to complete its work on the waste confidence rulemaking this fall, how much has been budgeted for FY 2015 for this work? Has the NRC budgeted any resources in anticipation of a legal challenge to the revised waste confidence rule?

**ANSWER.**

Waste confidence rulemaking work has not been budgeted for FY 2015. The NRC has budgeted resources for a potential legal challenge.

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Adam Kinzinger**

**QUESTION 2.** The NRC's written testimony for this hearing cites a savings of \$37 million dollars in administrative support costs since 2010, a reduction of 17%. Yet a review of the NRC's fee recovery rule shows corporate support costs have grown from \$330 million in FY 2010 to \$486 million in FY 2014. Please explain the discrepancy between the fee recovery rule and the written testimony. Since previous efforts clearly have not reduced corporate support costs, please describe what steps the NRC will take to reign in growing corporate support costs?

**ANSWER.**

The savings of \$37.2 million (in FY 2010 constant dollars) reflected in the NRC's written testimony is specifically focused on the portion of the Corporate Support budget that funds salaries and benefits of support personnel. The \$37 million in savings is presented in 2010 constant dollars. In FY 2010, salaries and benefits for support personnel were budgeted at \$221.9 million, whereas the FY 2015 request, when converted to 2010 constant dollars, is \$184.7 million, a reduction of \$37.2 million (and a 17% decrease).

The difference between the written testimony and the FY 2014 Fee Rule (\$486 million) is because of the following factors. In accordance with OMB circular A-25 (User Charges), the Fee Rule has a larger estimate for Corporate Support because it considers managers, administrative assistants, and other support personnel, as well as the budget of the Office of the Inspector General to be "corporate support" components for the purpose of calculating the overall hourly Fees for Services rate under 10 CFR Part 170.

In regards to what steps the NRC will take to reign in growing corporate support costs, as I testified during the hearing, we are reducing corporate support by combining and centralizing administrative functions across the agency, and we are looking at where the agency and the industry will be in 5-6 years from now so that we can appropriately resize and restructure the agency to address the future.

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Adam Kinzinger**

**QUESTION 3.** Please provide the number of licensing actions and reviews that have been delayed because of Fukushima-related work.

**ANSWER.**

A total of 64 routine licensing activities have been delayed by diverting technical resources to Fukushima-related reviews. Resources have been and will continue to be shifted within the operating reactors program office and from other program offices to allow for more efficient completion of the regular licensing workload. Additionally, where appropriate, contract resources are being identified to supplement the staff's efforts. The NRC continues to examine, prioritize, and combine activities with a focus on safety.

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Bill Johnson**

**QUESTION 1.** Please indicate when the Commission anticipates providing this Committee with a detailed cost and schedule estimate for completing its review of the Yucca Mountain license application.

**ANSWER.**

In response to direction from Congress, the Commission directed the staff to develop a plan for completing the licensing process for the Yucca Mountain repository construction authorization, which includes the adjudicatory hearing process, and to estimate the resources necessary to implement the plan. The staff's plan is currently being reviewed by the Commission.

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable Bill Johnson**

**QUESTION 2. Since Nuclear Waste Fund money will NOT be used to pay for the NRC's work on alternative disposal strategies for spent nuclear fuel, who will pay for that work: taxpayers or licensees?**

**ANSWER.**

The staff activities to remain cognizant of activities related to alternative disposal strategies for spent nuclear fuel are funded from NRC's appropriations and are recovered through licensee fees. As required by the Omnibus Budget Reconciliation Act of 1990, as amended, the NRC's budget provides for 90 percent fee recovery, less the amounts appropriated for Waste Incidental to Reprocessing and generic homeland security activities. The efforts associated with alternative disposal strategies will be consistent with this approach.



**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable John D. Dingell**

**QUESTION 1.** On November 18, 2013, NRC ordered staff to complete work on the safety evaluation report for Yucca Mountain. In addition, the Commission requested DOE prepare a supplemental environmental impact statement (EIS) in order to complete its environmental review of the application. On February 28, 2014, DOE informed NRC that it will not complete the supplemental EIS, but that it will provide an updated version of its previously issued technical report on the topics to be addressed in the supplement.

**1a. What, if any, are obstacles NRC will face in order to complete the supplemental EIS internally?**

**ANSWER.**

There are no known obstacles to completing the environmental impact statement (EIS) supplement, subject to the availability of Nuclear Waste Funds, and further direction from the Commission, as described below.

**1b. Does the fiscal year (FY) 2015 budget provide enough resources for NRC staff to finish the supplemental EIS while still completing the SER by January 2015?**

**ANSWER.**

The Fiscal Year (FY) 2015 President's budget does not include resources from the Nuclear Waste Fund (NWF) for Yucca Mountain. However, the NRC has enough unobligated carryover funds appropriated from the Nuclear Waste Fund to complete the Safety Evaluation Report (SER) by January 2015, which remains a top Commission priority. The Commission has directed that staff should plan to develop and issue an EIS supplement. The Commission has directed that this work should not begin until at least the fall of 2014, when work on the SER is substantially complete, and appropriate personnel are available to support the EIS supplement effort. At that time, the staff will submit to the Commission its assessment of remaining NWF funds and its proposed plan to complete the EIS supplement. The Commission will then provide direction on the allocation of funding to this task based on the staff's updated assessment.

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable John D. Dingell**

**QUESTION 2.** In March 2014, NRC finished loading Licensing Support Network (LSN) documents into a nonpublic library in the NRC's Agencywide Documents Access and Management System (ADAMS). The remaining related task is to complete the processing of the LSN documents into the agency's records.

**2a. How does this remaining LSN task impact NRC's timely completion of the supplemental EIS?**

**ANSWER.**

Completing the processing of the Licensing Support Network (LSN) documents into the agency records system has no impact on environmental impact statement (EIS) supplement activities. As noted in the April, 2014 monthly status report on the NRC's activities and utilization of unobligated carryover funds appropriated from the Nuclear Waste Fund, the agency completed activities necessary to make the LSN document collection accessible and searchable in a nonpublic library of the NRC's Agencywide Documents Access and Management System (ADAMS) for use by the staff. Loading of the documents into public ADAMS will be completed only after the Commission review of remaining Nuclear Waste Fund resources this fall, as described in the answer to Question 1b.

**Attachment 1 – Questions for the Record**  
**Questions for Chairman Macfarlane on Behalf of the Commission**  
**The Honorable John D. Dingell**

**QUESTION 3.** Commissioner Magwood, on March 19, 2014, it was announced that you would be leaving the agency on September 1, 2014 to become director general of the Nuclear Energy Agency. Commissioner Apostolakis, your term as Commissioner will come to an end on June 30, 2014.

**3a. Commissioner Apostolakis, can you provide any indication on whether or not you will be re-nominated before your term expires?**

ANSWER.

Commissioner Apostolakis was not re-nominated for a new term as Commissioner.

**3b. Has the Commission been given any indication of whether or not Commissioner Magwood's replacement will be nominated before a lapse in service occurs?**

Answer.

The Commission has not been informed as to when a replacement may be nominated.

**3c. Chairwoman Macfarlane, how would a lapse on appointments to the Commission impact the ability of NRC to effectively carry out its completion of the SER?**

ANSWER.

The Commission has functioned with only three members in the past, but it functions best with five sitting members. Should there be vacancies on the Commission when the staff completes the Yucca Mountain SER, the fact that there are vacancies should have no impact on the NRC's ability to complete and issue the SER.

**Attachment 2 – Member Requests for the Record**  
**The Honorable Gene Green**

**QUESTION 1.** What percentage of the Commission’s budget and fees fund NRC rulemakings?

**ANSWER.**

Approximately 3 percent of the NRC’s FY 2015 and FY 2014 budget total supports rulemaking activities. In FY 2014, 8 percent of the total required annual fee recovery amount supports rulemaking activities. In 2015, the percentage of the total required annual fee recovery amount which supports rulemaking activities has yet to be determined as it is part of the FY 2015 draft fee rule which has not yet been completed.

**Attachment 2 – Member Requests for the Record**  
**The Honorable Lois Capps**

**QUESTION 1. When will the review of Dr. Michael Peck’s differing professional opinion be completed and published?**

**ANSWER.**

The Differing Professional Opinion (DPO) Program supports openness and transparency when the process is complete. This particular DPO is still in process and considered pre-decisional and is, therefore, not available for public release at this time. A DPO case is considered closed when a DPO decision is issued without appeal or when a DPO appeal decision is issued. While there are established expectations for how long various steps in the process should take, DPO program staff tend to support adjustments in schedules as needed by all parties involved, so forecasting an exact completion date would be difficult. In addition, if the submitter would like the closed DPO background records made public, a review is performed to support discretionary release. Before records are released a number of considerations, such as security sensitivity, must be weighed.

**Questions for Chairman Macfarlane**  
**The Honorable John Shimkus**

**QUESTION 1.** In addressing the Nuclear Assembly on May 21, 2014, Chairman Macfarlane stated:

*“Recent changes in the U.S. nuclear fleet have prompted us to place greater focus on decommissioning.”*

*“But those sites undergoing decommissioning must continue to meet license requirements. The NRC will maintain its oversight of these facilities for years to come, including having resident inspectors at certain sites for the next several years. As sites progress in the decommissioning process, the NRC will account for accompanying changes in regulatory responsibility in its planning.”*

**1a. Please describe how your statement represents a change from NRC’s past practices.**

**ANSWER.**

It does not. The NRC has always maintained oversight of decommissioning power reactors, and the focus on safety has remained the same. But recently, due to an increase in the number of plants shutting down, the agency has had to refocus resources in order to address the shift from operation to decommissioning. Within the last 16 months, the NRC’s decommissioning activities have increased with the premature shutdown and entry into decommissioning status of Crystal River Unit 3 (on 02/20/2013), the Kewaunee Power Station (on 05/07/2013), and the San Onofre Nuclear Generating Station, Units 2 and 3 (on 06/12/2013). In addition, the operators of the Vermont Yankee and Oyster Creek power reactors have made public announcements of planned future shutdowns and entry into decommissioning status. The entry of these facilities into decommissioning requires a shift in NRC workload in order to oversee a safe transition into decommissioning. In overseeing the transition, NRC staff is implementing established practices that have been informed by experience. Similar to efforts taken following the permanent shutdown of several power reactors in the 1990s, the NRC has realigned activities to focus on the decommissioning of the four permanently shut-down units and for additional power reactors that may shutdown in the future.

**1b. Does your statement reflect the policy position of the Commission? If so, please provide copies of any Commission policies regarding these issues.**

**ANSWER.**

Yes, it does. It is consistent with, “Changes in Staff Regulatory Oversight of Decommissioning Commercial Nuclear Power Reactor Plants” (SECY-02-0198), which describes the agency’s policy for the oversight of decommissioning power reactors. This document is included as an attachment to these answers.

**Questions for Chairman Macfarlane**  
**The Honorable Lee Terry**

**QUESTION 1. Please provide a list of the NRC’s Chairman’s responsibilities as Executive Team Director when the Operation Center is in “Activation” or “Expanded Activation” modes according to the Executive Team Response Procedure.**

**ANSWER.**

In summary, the NRC Chairman, or her designee, as Executive Team Director is the senior agency authority responsible for all NRC actions taken in response to, or recovery from, an emergency involving one of its licensees, or as part of an integrated response by the Federal government under the National Response Framework, when the Headquarters Operations Center is in “Activation” or “Expanded Activation” modes. The Executive Team Director is also the primary NRC spokesperson for the agency. Specific responsibilities include:

- Ensuring the prompt event notification to the appropriate stakeholders, and coordination of, or support to, federal resources necessary for effective emergency response and recovery. Stakeholders include the NRC Commission, federal agencies (e.g., Department of Homeland Security, Federal Emergency Management Agency, Department of Energy, Environmental Protection Agency, Health and Human Services, Department of Agriculture, Federal Bureau of Investigations, and Department of Defense), senior authorities of affected areas (e.g., appropriate state governors, city mayors, and tribal leaders), the White House, Congress, appropriate industry organizations (e.g., Institute of Nuclear Power Operations) and appropriate international organizations (e.g., International Atomic Energy Agency). The Executive Team Director reviews and approves reports, official statements, and press releases concerning the emergency, or appoints these responsibilities to another Executive Team member. The Executive Team Director also activates the News Center to conduct media briefings, and acts as the News Center Spokesperson or appoints another Executive Team member to do so.
- Leading the NRC’s independent assessment and oversight of licensee emergency response and recovery actions, and protective action recommendations to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment.
- Leading the NRC’s issuance of orders to a licensee to prevent an accident or ensure appropriate actions are taken to address an accident in order to protect public health and safety.
- Leading the NRC’s issuance of necessary communications or regulatory actions following an emergency having consequences with generic applicability to other licensees.

**Questions for Chairman Macfarlane**  
**The Honorable Robert E. Latta**

**QUESTION 1. In your responses to follow-up questions from the Dec. 12, 2013 hearing you indicated:**

***" ... the NRC has 3871 staff, including the Office of the Inspector General, which is down 368 employees from FY 2010."***

**However, the NRC's Performance and Accountability Report for FY 2010 indicates the NRC employed 3,981 employees. Please explain the discrepancy.**

**ANSWER.**

As I stated in response to Representative Whitfield's first question for the record following the December 12, 2013 hearing, as of November 16, 2013, the NRC had 3,871 staff, including the Office of the Inspector General. This number represents a decrease of 110 from the number of staff in FY 2010, which was 3,981, as reflected in the Performance and Accountability Report for FY 2010. The number in this report is correct. I would like to correct the record to note that the decrease in NRC staff from 2010 to 2013 was 110, not 368 as previously stated, which was the result of a subtraction error.

As I testified during the hearing on May 7, 2014, we are reducing corporate support by combining and centralizing administrative functions across the agency, and we are looking at where the agency and the industry will be 5 – 6 years from now so that we can appropriately resize and restructure the agency to address the future. To that end, the FY 2015 budget includes 3,896 FTE, which represents the equivalent decrease of 85 staff when compared to 3,981 FTE in FY 2010.



**Questions for Chairman Macfarlane**  
**The Honorable Adam Kinzinger**

**QUESTON 1.**

In the hearing, you testified that the NRC had reduced 192 FTE's since FY 2010. In your responses to follow-up questions from the Dec. 12, 2013 hearing, you indicated:

*" ... the NRC has 3871 staff, including the Office of the Inspector General, which is down 368 employees from FY 2010*

The NRC's Performance and Accountability Report for FY 2010 indicates the NRC employed 3,981 employees. The NRC's FY 2015 budget request projects 3,896 FTEs in FY 2015. Please explain the basis for your conclusion the agency has reduced 192 FTEs since 2010.

**ANSWER.**

As I stated in response to Representative Whitfield's first question for the record following the December 12, 2013 hearing, as of November 16, 2013, the NRC had 3,871 staff, including the Office of the Inspector General. This number represents a decrease of 110 from the number of staff in FY 2010, which was 3,981, as reflected in the Performance and Accountability Report for FY 2010. The number in this report is correct. I would like to correct the record to note that the decrease in NRC staff from 2010 to 2013 was 110, not 368 as previously stated, which was the result of a subtraction error.

As I testified during the hearing on May 7, 2014, we are reducing corporate support by combining and centralizing administrative functions across the agency, and we are looking at where the agency and the industry will be 5 – 6 years from now so that we can appropriately resize and restructure the agency to address the future. To that end, the FY 2015 budget includes 3,896 FTE, which represents the equivalent decrease of 85 staff when compared to 3,981 FTE in FY 2010.

**Questions for Chairman Macfarlane**  
**The Honorable Bill Johnson**

**QUESTION 1. When Secretary Moniz testified before the Science Committee on April 19, 2014, I asked him about DOE's commitment in a January 6<sup>th</sup> letter to honor the NRC's request to complete a groundwater supplement to the Yucca Mountain EIS and DOE's subsequent letter to the NRC indicating otherwise. He indicated that he discussed with you his decision to have NRC prepare the EIS supplement. Given that is contrary to the Commission's November 19, 2013, Order, did you discuss Secretary Moniz's proposal with you colleagues before accepting?**

**ANSWER.**

As Chairman of the NRC, I routinely interact with leaders of other federal agencies on topics and activities in which we may have shared responsibilities or a common governmental interest. However, at no time during any interactions with Secretary Moniz was I asked to provide comments on or approval for DOE's decision not to prepare a supplement for the Yucca Mountain high-level waste geologic repository environmental impact statement. Therefore, I did not accept or approve DOE's decision before or after it was made, nor did I discuss approving or disapproving DOE's decision with my colleagues.

**Questions for Chairman Macfarlane**  
**The Honorable Bill Johnson**

**QUESTION 2.** In the hearing, I asked a question regarding the NRC's refusal to estimate the costs of carrying out its statutory mandate to complete its review of the Yucca Mountain license application: "Has OMB in any way instructed you either directly or indirectly to withhold such information?" You answered: "I do not believe so." Please clarify your response.

**ANSWER.**

In response to direction from Congress, the Commission recently directed the staff to develop a plan for completing the licensing process for the Yucca Mountain repository construction authorization and that plan will include an estimate of the resources necessary to complete that process, including the adjudicatory hearing. On a related basis, I reaffirm that OMB has neither directly, nor indirectly, instructed me to withhold an estimate of the cost of completing the NRC's review of the Yucca Mountain license application.

# POLICY ISSUE INFORMATION

November 8, 2002

SECY-02-0198

FOR: The Commissioners

FROM: William D. Travers  
Executive Director for Operations

SUBJECT: CHANGES IN STAFF REGULATORY OVERSIGHT OF  
DECOMMISSIONING COMMERCIAL NUCLEAR POWER  
REACTOR PLANTS

## PURPOSE:

This paper informs the Commission of changes in staff regulatory oversight of decommissioning commercial nuclear reactor plants. Project management responsibility is being transferred from the Office of Nuclear Reactor Regulation (NRR) to the Office of Nuclear Material Safety and Safeguards (NMSS) earlier in the decommissioning process, to take advantage of NMSS' regulatory expertise in overseeing decommissioning and waste storage facilities.

## BACKGROUND:

Currently, as set forth in the March 15, 1995, "Memorandum of Understanding (MOU) Between NRR and NMSS," project management responsibilities are transferred from NRR to NMSS only after the nuclear fuel has been safely removed from the spent fuel pool. As a result, NRR has maintained regulatory oversight of 15 decommissioning plants for many years after the reactors have ceased operation. These plants are either in long-term safe storage or actively working

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toward license termination. These 15 plants have more in common with decommissioning materials licensees temporarily storing and disposing of radioactive waste than commercial reactor plants licensed to operate.

#### DISCUSSION:

The staff has concluded that for efficiency interests transfer, to NMSS, of project management oversight of these facilities earlier in the decommissioning process would result in improvements because NMSS provides regulatory oversight of: (1) out-of-reactor spent fuel storage; (2) disposal of low-level and high-level radioactive wastes; and (3) decommissioning of facilities when their licensed functions are over. Moreover, NMSS has ongoing programmatic oversight regarding decommissioning. Similarly, for power reactors that permanently cease operations in the future and undertake decommissioning, the staff has concluded that the efficiency and effectiveness of regulatory project management can be improved, without affecting licensees, by changing the point at which project management transfers from NRR to NMSS. This decision to change NRC's regulatory oversight strategy for future decommissioning plants is based on the following activities that have been undertaken over the last few years: (1) an interoffice working group that evaluated the decommissioning inspection program and its associated budget; (2) a Decommissioning Management Board to facilitate interoffice (and interregional) coordination, communication, and operating strategy; and (3) insights gained from annual decommissioning counterpart meetings. The plan to transfer responsibilities to NMSS allows NRR to focus its resources on activities associated with operating reactors.

The process of transferring responsibilities is depicted in the Attachment, "Transfer of Commercial Nuclear Power Plants from NRR to NMSS." This "road map" will be used to transfer plants from NRR oversight to NMSS that decommission in the future. This process will ensure that a decommissioning commercial power plant will be in a safe, stable condition before being transferred from NRR to NMSS. This condition will be determined by the successful completion of regulatory and safety milestones that ensure that the plant and its licensing basis, in effect, more closely represent a materials licensee temporarily storing and processing radioactive waste than a commercial power reactor.

Following the "road map" ensures that the commercial power plant is in a condition that minimizes any reactor-related regulatory or safety issues that may arise during or after the transfer of the facility to NMSS. It ensures that the plant is safely shut down and defueled. It also ensures that potential accidents, events, or site activities do not adversely affect co-located facilities. Lastly, it ensures that the facility's licensing basis has been amended to reflect the permanently shut-down and defueled status of the reactor.

The "road map" and the specific staff instructions on the transfer process are provided in two guidance documents that the staff is developing to ensure that future transfers occur efficiently and effectively without burden on the licensee. These procedures will require interoffice concurrence for changes and when implemented will supersede the coordination and communication agreements in the MOU.

Project management oversight of the current decommissioning commercial nuclear reactor plants will be transferred by: (1) shifting 13 of the 15 NRR decommissioning plants to NMSS, under a phased approach; and (2) changing the point at which a future permanently shut-down

and defueled nuclear power plant transfers from NRR to NMSS. This action does not modify, amend, nor otherwise affect the safety or licensing bases of any plant, the governing rules and regulations, licensee activities, or public outreach initiatives. In the first phase, oversight for six reactors (Trojan, Three Mile Island 2, LaCrosse, Rancho Seco, Yankee Rowe, and Humboldt Bay) will be transferred. This phase will be completed by the end of November 2002. In the second phase oversight for seven reactors (Haddam Neck, Maine Yankee, Dresden 1, San Onofre 1, and Zion 1 and 2) will be transferred. The second phase will be completed by the end of January 2003. The Millstone 1 and Indian Point 1 reactors will not be transferred at this time due to extensive external stakeholder interest in these sites (for both the operating and decommissioning plants) that makes it more efficient for NRR to retain, as a single point of contact, project management responsibilities for the permanently shutdown units. There is minimal decommissioning activities at these two sites.

This transfer of regulatory oversight will positively contribute to NRC performance and achieve the goals of NRC's Strategic Plan, because the realignment eliminates the need for redundant licensing project managers and consolidates the staff, working on commercial nuclear power reactor decommissioning, into one office. Further, this realignment improves the use of NRR and NMSS staff by ensuring NRR operational expertise and experience in transitional activities and NMSS expertise in dismantlement, decontamination, and license termination. It secures NMSS decommissioning expertise shortly after a reactor is permanently shut down and shifts NRR safety oversight back to operating nuclear reactors. To ensure the availability of NRR expertise, should NMSS require technical assistance, a management matrix approach will be used by way of coordinated requests.

The transfer of responsibilities will not affect the current NRR oversight responsibilities for decommissioning of test, research, and naval reactors. The regulatory oversight for these facilities is more effectively and efficiently managed by the small, centralized organization, in NRR, that is experienced in the unique regulatory needs of these facilities. In addition, the decommissioning activities associated with these facilities is so small [requiring only about 0.2 full-time equivalent (FTE)] that it would be inefficient to transfer this activity to NMSS.

This plan does not provide for the transfer of any rulemaking or guidance development related to decommissioning power reactors. In a memorandum, "Status of Regulatory Exemptions for Decommissioning Plants," dated August 16, 2002, the staff has described its intent to terminate the integrated decommissioning rulemaking and continue to rely on exemptions from requirements for decommissioning power reactors. The staff will reassess the need for decommissioning rulemaking after the Office of Nuclear Security and Incident Response, through its rulemaking efforts, determines requirements for security and physical protection. NRR has not budgeted resources for either decommissioning rulemaking or guidance development, in Fiscal Year (FY) 2003 or FY 2004. Therefore, if the staff is directed to pursue any rulemaking or guidance development in that time frame, either NRR or NMSS would have to apply its planning, budgeting, and performance monitoring process to reallocate resources from other programs.

The staff has developed a communication plan that includes updating the NRC external web page, to inform stakeholders of these changes.

#### CONCLUSIONS:

The staff has developed a process for transferring the responsibility for the project management of decommissioning commercial nuclear reactor plants from NRR to NMSS earlier in the decommissioning process. The outcomes of the transfer will be: (1) a clear separation of reactor operation from reactor decommissioning, thus reducing the number of organizations responsible for decommissioning; (2) securing NMSS expertise and experience earlier in decommissioning, thus improving timely implementation of dismantlement, decontamination, and license termination efforts; and (3) basing the plant transfer on safety and regulatory milestones, on completion of which the facility, although still a 10 CFR Part 50 licensee, will represent a materials licensee temporarily storing and processing radioactive waste, rather than a commercial power reactor facility licensed to operate.

#### RESOURCES:

The transfer of the 13 plants from NRR to NMSS requires assigning NRR decommissioning budget resources to NMSS, as summarized below. This resource estimate applies to Regional and Headquarters direct effort; indirect effort will follow staffing guidelines.

	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>
Total Reassigned from NRR	11 FTEs	8 FTEs	8 FTEs
Headquarters FTEs	5	5	5
Regional FTEs	6	3	3
 Total Reassigned Monies from NRR (\$K, est.)	 84	 25	 25

The staffing associated with this resource transfer will be accomplished by voluntary reassignments and rotational assignments of appropriately experienced personnel, together with a cooperative NRR/NMSS recruitment effort, to fill vacancies in their respective staffing plans.

Implementation of the "road map" to transfer plants that shut down in the future, from NRR to NMSS, is captured within current staff project management responsibilities and need not be budgeted separately. This transfer will not affect the budget of NMSS' Spent Fuel Project Office, including that in the February 20, 2002, agreement between NRR and NMSS; on funding or resources for inspection of independent spent fuel storage facility installations. The staff does not foresee any operating commercial nuclear power plants electing to permanently cease reactor operations during the current budgeting cycle. However, for power reactors that permanently cease operation in the future, NRR will provide the regional inspection budget for the subject unit during the year it permanently shuts down through the first fiscal year in which the unit is transferred to NMSS. NMSS will fund all other budget allocations for project management or regional decommissioning activities.

COORDINATION:

The Office of the General Counsel has reviewed this paper and has no legal objection to its contents. The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objections.

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William D. Travers  
Executive Director  
for Operations

Attachment: Transfer of Commercial Nuclear Power Plants  
From NRR to NMSS, "The Road Map"



# Transfer of Decommissioning Commercial Nuclear Power Plants From NRR to NMSS

## “The Road Map”

