



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 22, 2017

The Honorable Derek Kilmer
United States House of Representatives
Washington, DC 20515

Dear Congressman Kilmer:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to the December 12, 2016, letter from you and your colleagues regarding NRC regulation and oversight of naval vessel decommissioning and related activities. Responses to your specific questions are enclosed with this letter.

At the outset, it is important to clarify that under section 91.a(3) of the Atomic Energy Act the oversight of Naval Reactors' (or its contractor's) work related to decommissioning of naval vessels is the responsibility of the Department of Energy (DOE). When the NRC was created by the Energy Reorganization Act, this responsibility was assigned exclusively to the Energy Research and Development Administration, which was later folded into DOE. The NRC has consistently maintained that the NRC does not have jurisdiction over DOE activities that have been exclusively reserved to DOE. We recognize that DOE holds a different view, and that both agencies have respectfully asserted these different views since at least 1998. The NRC staff and Naval Reactors have had several recent discussions regarding agency perspectives on the jurisdictional issues. The NRC remains open to further discussion on these issues with Naval Reactors and other stakeholders.

Although the NRC does not have authority over these activities, in the past, the NRC has effectively provided Naval Reactors with technical assistance through reimbursable agreements on matters for which the NRC has technical expertise but does not have jurisdiction. Naval Reactors funded these activities. Likewise, here, Naval Reactors could decide to seek technical assistance from the NRC for specific projects concerning the decommissioning of naval vessels. The NRC staff is currently discussing the technical parameters of a potential reimbursable agreement with Naval Reactors. The NRC's resources associated with such work would depend on its specific scope.

I hope this response adequately addresses your questions. If you have additional questions, please contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kristine L. Svinicki", is positioned above the printed name.

Kristine L. Svinicki

Enclosure:
As stated

Identical letter sent to:

The Honorable Derek Kilmer
United States House of Representatives
Washington, DC 20515

The Honorable Patty Murray
United States Senate
Washington, DC 20510

The Honorable Maria Cantwell
United States Senate
Washington, DC 20510

The Honorable Marcy Kaptur
United States House of Representatives
Washington, DC 20515

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

The Honorable C.A. Dutch Ruppersberger
United States House of Representatives
Washington, DC 20515

The Honorable Adam Smith
United States House of Representatives
Washington, DC 20515

The Honorable Joe Courtney
United States House of Representatives
Washington, DC 20515

The Honorable Jim Cooper
United States House of Representatives
Washington, DC 20515

The Honorable Tom Cole
United States House of Representatives
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The Honorable Rick Larsen
United States House of Representatives
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The Honorable Rob Bishop
United States House of Representatives
Washington, DC 20515

The Honorable Donald Norcross
United States House of Representatives
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The Honorable Dan Newhouse
United States House of Representatives
Washington, DC 20515

The Honorable Jaime Herrera Beutler
United States House of Representatives
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
United States House of Representatives
Washington, DC 20515

The Honorable Denny Heck
United States House of Representatives
Washington, DC 20515

The Honorable David Reichert
United States House of Representatives
Washington, DC 20515

The Honorable Suzan DelBene
United States House of Representatives
Washington, DC 20515

The Honorable Pete Aguilar
United States House of Representatives
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The Honorable Frank LoBiondo
United States House of Representatives
Washington, DC 20515