



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-001

June 18, 2009

FOR THE RECORD

DECOMMISSIONING FUNDING ASSURANCE

We would like to ensure that NRC requirements for funding eventual decommissioning of nuclear power plants are properly understood. The agency's regular analysis of plants' decommissioning funding plans includes a conservative growth estimate to account for inflation and market instability. The NRC's analysis disregards unsupported hopes for better market performance or expectations for reactor license renewals. The NRC is also prepared to require additional contributions to decommissioning funds or other acceptable financial mechanisms if our analysis indicates possible shortfalls. Decommissioning funds are separate from other plant assets and are protected by law for cleanup activities only – a plant operator cannot “walk away” from its responsibilities to return a site to an acceptable state.

There may also be some confusion about NRC requirements for proper maintenance of permanently closed plants under the SAFESTOR concept. Any plant that chooses that option must continue to monitor and maintain the plant to meet safety regulations, as well as mount an effective defense against threats to any spent nuclear fuel on-site. The NRC inspects permanently shut-down plants to ensure they meet these requirements until the site is cleaned up. NRC regulations prohibit SAFESTOR plants from doing anything which would prevent release of the site for future use, cause any new significant environmental impacts, or that could lead to insufficient decommissioning funds. In order for the NRC to terminate a plant operator's obligations at a site, the cleanup must meet explicit standards for future use such that the public or workers would remain safe.