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Nuclear Regulatory Commission
Attention: Merri Horne
NRC Rulemaking Process
Washington DC 20555-0001
Email: mlh1@nrc.gov

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PROPOSED RULE **PR 041**
(67 FR 37733)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: Public Comments – NRC Rulemaking Process: External Feedback from Stakeholders, Members of Public, Citizens of Impacted Communities

Dear Ms. Horne,

I appreciate this extended opportunity to submit public comments on NRC's Rulemaking Process, and provide external feedback to NRC from stakeholders, as a member of the public, and on behalf of other citizens of impacted communities.

As a citizen/stakeholder myself in an impacted community in southern California near San Onofre Nuclear Generating Station (SONGS), my perceptions/observations as an ordinary citizen interacting with NRC's system, and NRC's 'existing rules' may be a perspective as an 'outsider' from NRC systems, but may have some additional value. It seems possible that my perception/perspectives may be also applicable to others, who may also wish to, or may have tried to interact w/NRC on various "Rulemakings", or Rulemaking Plans. These Rulemakings and Rulemaking Plans often have very significant, and extraordinary, and longlasting (even permanent) effects on our communities.

It is imperative that this Rulemaking "process" be approached at NRC in a way that makes the process MORE open, and accessible to members of the public, instead of less open, or less accessible. It is imperative that the process be approached in way that ENHANCES public accessibility, instead of diminishing public accessibility.

As the nuclear industry, and our aging nuclear plants already face many challenges, it is important that NRC approach rulemakings in a way that fairly balances the financial interests of utilities, with a vast array of public safety concerns about aging nuclear plants, security, vulnerability to terrorism, potential risks of boric acid corrosion and cracks in the vessel head, and potential impacts resulting from inspection delays until the "next routinely scheduled refueling", as proposed by the utility (SCE).

The public interest, and public safety must be given equal weight, as the utilities' financial interests.

As decisions at NRC are made in the Rulemaking process, and in Rulemaking Plans, impacts of all cost saving methods proposed, every reduced requirement, every effort at 'streamlining' the system, every reduction in inspections or inspectors, everytime the frequency of inspections at nuclear plants is extended between refuelings, everytime plants are allowed to operate at higher power levels for longer durations; each decision

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must be balanced by NRC's mandated role and duty to ensure that the public health, safety and welfare **will be** adequately maintained. Utilities must be required to perform **updated analyses** to document how the technical aspects of plant safety, and public safety would not be compromised as each rulemaking proceeds.

Additionally citizens in impacted communities are concerned about risks from existing spent fuel pools, loading risks and untested long term risks with proposals for dry cask storage of spent fuel, real seismic risks which are understated (and underestimated by the utility SCE, NRC and the nuclear industry), risks of storing damaged fuel, and risks stemming from outdated/obsolete emergency and evacuation plans which have not kept pace with the exponential population growth and demographics in southern California, and the deficiencies of our aging transportation infrastructure system, which may not be capable of withstanding the impacts of a Loss of Coolant Accident (LOCA) which could be caused by a significant seismic event.

There is a desperate need for NRC's existing rules to be expanded to require constructive advance public notice in local newspapers in the communities where nuclear plants are licensed to operate, wherever plants are being decommissioned, wherever and whenever there are proposals for dry cask storage. Mere compliance w existing rules requiring only Publication in the Federal Register is not enough.

For instance, the Current Rulemaking Plan to Add NUHOMS 24PT1 casks to the NRC's list of approved Storage Cask Systems, is a good example. In the absence of any legal requirement in NRC rules to actively engage the public in an impacted community, most citizens don't even know about plans for a potentially permanent storage facility at San Onofre for high level radioactive waste. When there are public meetings, (i.e. San Clemente April 2002), the members of the public are limited to 3 minutes to comment. However at this meeting on public safety at San Onofre, NRC monologue was unlimited, and SCE/NRC staff were given unlimited time to respond to speakers. It appeared that NRC/SCE so tightly controlled the meeting, they were allowed to filibuster, and waste the public's limited time for comment.

I appreciate the opportunity to present these comments. As a concerned citizen, it is encouraging to realize NRC is engaged in this process, to solicit external feedback from citizens, stakeholders and members of the public, as well as the industry, so NRC can improve the process. Historically, NRC appears to have given greater weight to the interests of the nuclear industry and utilities, than the public interest. This is an opportunity to effectively adjust the radar screen, so ordinary members of the public (citizens like me, Jane Doe and Joe Blow) are given a fair and equal chance, and the playing field is made more level.

I look forward to your response.

If you have any questions, please call at (760) 941-9625.

Patricia Borchmann