

Secy

From: Kathy.Yhip@sce.com
Sent: Thursday, May 08, 2008 6:48 PM
To: Secy
Cc: yhipkc@songs.sce.com
Subject: Comments on RIN 3150-AH45
Attachments: 001_Comments on RIN 3150-AH45 Decom Planning.pdf

Enclosed are Southern California Edison's (SCE) comments on the NRC's proposed rule on Decommissioning Planning (73FR3812 dated January 22, 2008).

(See attached file: 001_Comments on RIN 3150-AH45 Decom Planning.pdf)

DOCKETED
USNRC

May 12, 2008 (10:30am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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May 8, 2008

Ms. Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Subject: **Comments on Decommissioning Planning Rulemaking and
Associated Guidance Documents. RIN 3150-AH45**

References:

1. "10 CFR Parts 20, 30, 40, et al Decommissioning Planning; Proposed Rule," 73 Federal Register Notice, Vol. 73. No. 14, pages 3812-3846, dated January 22, 2008
2. "Draft Guidance to Implement Survey and Monitoring Requirements Pursuant to Proposed Rule Text in 10 CFR 20.1406(c) and 10 CFR 20.1501(a)," dated January 2008

Dear Madam Secretary:

Southern California Edison (SCE) is submitting comments on the Federal Register notice on the proposed rule on decommissioning planning (Reference 1) and the associated draft guidance document (Reference 2).

SCE supports the comments provided by the Nuclear Energy Institute and those from STARS.

SCE endorses the Nuclear Regulatory Commission's (NRC's) goals to provide adequate protection of public health, safety, and the environment, but has reservations as to the proposed changes. The preamble to the proposed rule readily acknowledges that the "...vast majority of NRC materials licensees do not have processes that would cause subsurface contamination..." and that "...Power reactor licensees have exhibited a high level of ALARA discipline with respect to effluent release and known spills and leaks..." (page 3820 of the Federal Register Notice). To date, the NRC has stated that none of the instances where inadvertent contamination of the subsurface has been identified presented a health hazard to the public. Despite the demonstrated adequacy of existing NRC regulations, the proposed rule and the supporting guidance document would significantly expand the requirements for surveys and monitoring. They would also impose unnecessary additional requirements and constraints related to decommissioning funds.

As written, the proposed rule could:

- Significantly affect the existing design of systems; monitoring, surveys, site characterization, and record-keeping that are performed to meet existing regulations. They could also ultimately affect the site release alternatives available at decommissioning. In addition, the extent of modeling of the hydrology that would be required to meet the draft regulatory guidance does not appear to be warranted at sites that do not have extensive subsurface contamination.
- Impose unachievable requirements regarding the extent and timing of remediation of spills and leaks. The remediation language in the draft regulatory guidance document could also have the unintended consequence of disrupting safe plant operation, without regard to actual health or environmental impacts.
- Inappropriately apply the threshold that was intended to trigger voluntary communication as a designation for "significant" contamination of the subsurface. Under the Industry Groundwater Protection Initiative, a licensee would voluntarily communicate with its stakeholders regarding leaks and spills, including those that are well below those of any real health or safety significance. We believe the draft guidance document inappropriately identifies this threshold as resulting in "significant" contamination of the subsurface.

These changes would impose a significant burden on licensees without regard to "as low as reasonably achievable" principles. It does not appear that the NRC's backfit analysis accurately reflects the impact of the proposed regulation on licensees.

If we can provide any additional clarification of our comments, please feel free to contact me.

Sincerely,



cc: Kevin O'Sullivan, FSME/DILR/RB-B, NRC
James Shepherd, FSME/DWMEP/DURLD, NRC

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Subject: Comments on RIN 3150-AH45

To: SECY@nrc.gov

CC: yhipkc@songs.sce.com

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<OF87D9EF04.B02396C6-ON88257443.007D0A06-88257443.007D443A@sce.com>

From: <Kathy.Yhip@sce.com>

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