

## Caldwell, Katherine

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**From:** Delaplaine, Mark@Coastal <Mark.Delaplaine@coastal.ca.gov>  
**Sent:** Wednesday, December 10, 2014 5:14 PM  
**To:** Pessin, Andrew  
**Subject:** RE: Changes to US Nuclear Regulatory Commission Listing under California CMP  
**Attachments:** Staff...Dec Addendum.Revised 12.10.14.pdf

Andrew - OK, then. We'll include it in this. - Mark

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**From:** Pessin, Andrew [<mailto:Andrew.Pessin@nrc.gov>]  
**Sent:** Wednesday, December 10, 2014 1:06 PM  
**To:** Delaplaine, Mark@Coastal  
**Subject:** RE: Changes to US Nuclear Regulatory Commission Listing under California CMP

Mark,

In response to your counsel's question, the NRC's proposed language does not limit the California Coastal Commission in any way. You are correct that the purpose of our proposed language is clarification—we want to identify with more specificity the major actions that the NRC must approve during the decommissioning/license termination process. The specific regulations are 10 CFR 50.82(a)(9)-(10), which concern the licensee's submission of, and the NRC's evaluation and approval of, a license termination plan and 10 CFR 50.83, which concerns the release of part of a nuclear power plant facility prior to the approval of the license termination plan. For further background, 10 CFR 50.82(a)(11), which concerns the actual termination of the license, is essentially a ministerial action.

With respect to language of the NRC listing, I have no objection to the changes indicated in your e-mail below.

Please let me know if you have any further questions.

Thank you,

Andy

Andrew S. Pessin  
Senior Attorney  
United States Nuclear Regulatory Commission  
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(301) 415-1062

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**From:** Delaplaine, Mark@Coastal [<mailto:Mark.Delaplaine@coastal.ca.gov>]  
**Sent:** Wednesday, December 10, 2014 3:32 PM  
**To:** Pessin, Andrew  
**Subject:** RE: Changes to US Nuclear Regulatory Commission Listing under California CMP

Andrew – our counsel asks the obvious question, “does NRC's language limit the Commission in any way?” My sense is no, you were just clarifying the specifics of actions the NRC takes with respect to terminations. We did have one tiny change – use commas rather than semicolon, like so:

“Permits and licenses required for siting and operation of nuclear power plants, approvals of nuclear power plant license termination plans and, prior to the approval of such license termination plans, the approval to release part of a nuclear power plant facility for unrestricted use.”

Any problem with that change? And if you have a response to the above question, feel free.

Thanks -

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and Federal Consistency Division  
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**From:** Pessin, Andrew [<mailto:Andrew.Pessin@nrc.gov>]  
**Sent:** Wednesday, December 10, 2014 11:18 AM  
**To:** Delaplaine, Mark@Coastal  
**Subject:** Changes to US Nuclear Regulatory Commission Listing under California CMP

Dear Mr. Delaplaine,

The United States Nuclear Regulatory Commission's (NRC's) current listing in the California Coastal Commission's CCMP list reads as follows:

"Permits and licenses required for siting and operation of nuclear power plants."

The staff of NRC recommend the following revisions to the NRC's listing (new text underlined; deleted text shown by strikethrough):

"Permits and licenses required for siting and operation of nuclear power plants-; the approval of a nuclear power plant license termination plan; or prior to the approval of such license termination plan, the approval to release part of a nuclear power plant facility for unrestricted use."

The applicable NRC regulations are 10 CFR 50.82 (license termination) and 10 CFR 50.83 (release of a part of a facility). If you have any questions or concerns, please contact me.

Thank you,

Andrew S. Pessin  
Senior Attorney  
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## CALIFORNIA COASTAL COMMISSION

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December 10, 2014

To: Coastal Commissioners and Interested Parties

From: Alison Dettmer, Deputy Director  
Mark Delaplaine, Manager, Energy, Ocean Resources and Federal  
Consistency Division

Subject: **Revised Addendum to Proposed Changes to the California Coastal Management Program (CCMP) List of Federal Licenses and Permits Subject to Federal Consistency Review**

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This addendum provides several clarifications to the staff report (and corrects a mis-numbering). Additions are shown below in underline and deletions in ~~strikethrough~~.

## Proposed Revisions to the Staff Report

*Page 14, Proposed NRC Listing:*

2. Nuclear Regulatory Commission (NRC):

- a. Permits and licenses required for siting and operation of nuclear power plants, approvals of nuclear power plant license termination plans and, prior to the approval of such license termination plans, the approval to release part of a nuclear power plant facility for unrestricted use.

*Page 15, Proposed STB Listing:*

8. Department of Transportation - Surface Transportation Board (STB):

- a. Permits for railroad construction (49 U.S.C. § 10901).
- b. Exemption from service requirements for rail transportation and applications for rail line abandonments (49 USC. §§ 10502, 10903).
- ~~b.~~ Removal of trackage and disposition of right-of-way (49 USC. § 10101 et seq.).