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Regulatory Improvements for Power Reactors Transitioning to Decommissioning

Comment On: NRC-2015-0070-0001

Regulatory Improvements for Decommissioning Power Reactors

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Comment on FR Doc # 2015-29536

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General Comment

See attached file(s)

Attachments

Request for Comment Period Extension



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December 2, 2015

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Docket ID NRC-2015-0070

Subject: Request for Comment Period Extension

On Thursday, November 19, 2015, the U.S. Nuclear Regulatory Commission (NRC) published an Advance Notice of Proposed Rulemaking (ANPR) for comment on the Regulatory Improvements for Decommissioning Power Reactors (See Federal Register/Vol. 80, No. 223/Thursday, November 19, 2015). Public comments on the ANPR are currently due by January 4, 2016.

For the following reasons, the Conference of Radiation Control Program Directors (CRCPD) asks that NRC extend the comment period for this critically important document.

For a number of years, the NRC has deferred finalizing rulemaking with respect to decommissioning reactors in light of other critical regulatory changes that became necessary as a result of significant events such as the coordinated attacks on the United States on September 11, 2001, Hurricane Katrina and the accident at Fukushima Daiichi in Japan. The NRC redirected its rulemaking priorities to focus on programmatic regulatory changes related to safeguards, security and mitigating strategies for beyond design basis accidents. At the time, it was not expected that there would be any additional permanent reactor shut downs in the foreseeable future. Consequently, the NRC shifted resources allocated for reactor decommissioning rulemaking to these other activities. The NRC staff correctly concluded that if any additional reactors permanently shut down after the rulemaking effort was suspended; establishment of the decommissioning regulatory framework would continue to be addressed through the license amendment and exemption processes. Keeping the historical perspective in mind, it should be clear that this is the first opportunity for stakeholders to review and formulate responses to a significant number of topical areas related to decommissioning for power reactors since that process was suspended in 2001.

Since 2013, five power reactors have permanently shut down, defueled, and are transitioning to decommissioning. For these decommissioning reactor licensees, the NRC processed various license amendments and exemptions to establish a decommissioning regulatory framework, similar to the method used in the 1990s. In order for stakeholders to evaluate and respond to the ANPR, it will be necessary to review the historical documents related to decommissioning, the interim guidance that has been issued since the rulemaking process was suspended by NRC and the case by case review of exemption requests and LARs approved by NRC for recently decommissioning reactors. NRC should

Page Two
ATTN: Rulemakings and Adjudications Staff
December 2, 2015

recognize and consider that stakeholders have been focused on reviewing and providing comment on several other significant updates to guidance documents for nuclear power reactors over the past 5 years. Most notable were the updates and implementation of NUREG-0654 Supplement 3 and NUREG-0654/ FEMA-REP-1, Revision 2 which concluded in October 2015.

The request for public comment in the federal register for the ANPR on decommissioning is comprehensive and lists a number of specific questions to be answered in detail. In total there are eight general topical areas to be addressed and approximately 67 specific questions listed in the ANPR. The NRC has specifically asked for stakeholders to provide detailed responses to many of those questions. In order for stakeholders to provide meaningful feedback to the process, it is critical to have the necessary time to review applicable documents and collaborate with other stakeholders to provide thoughtful and comprehensive input. It is unreasonable to expect stakeholders to formulate meaningful comments on such a large number of topical areas given the limited amount of time for public comment provided in the ANPR.

Finally, the timing on the release of the ANPR and the duration of the comment period is not ideal. The period of time included for the comments, spans one of the busiest holiday seasons of the year. Unless the comment period is extended, the collaborative process and formulation of meaningful and comprehensive comments will be hindered due to holidays and scheduled vacations. It will be nearly impossible to coordinate a comprehensive and collaborative approach to the development of a response given the time constraints. The NRC has suspended action on this topic for many years and the process would not suffer at this point from a few additional weeks for a comprehensive review by interested stakeholders.

For all of these reasons, the CRCPD respectfully requests that NRC extend the public comment period on Advance Notice of Proposed Rulemaking (ANPR) for comment on the Regulatory Improvements for Decommissioning Power Reactors to a full 90 day comment period which would make public comments due on or around February 17, 2016.

Should you require additional information relating to this request for extension, please contact Patrick Mulligan at (609) 984-7701 or patrick.mulligan@dep.nj.gov.

Sincerely,



William E. Irwin, Sc.D., CHP
Chairperson