

## Rulemaking1CEm Resource

---

**From:** RulemakingComments Resource  
**Sent:** Monday, January 04, 2016 11:33 AM  
**To:** Rulemaking1CEm Resource  
**Subject:** FW: comments for Docket No. NRC-2015-0070  
**Attachments:** 122815 NRC EP rulemaking.pdf

### DOCKETED BY USNRC—OFFICE OF THE SECRETARY

**SECY-067**

**PR#:** ANPR-26, 50, 52, 73, and 140

**FRN#:** 80FR72358

**NRC DOCKET#:** NRC-2015-0070

**SECY DOCKET DATE:** 12/29/15

**TITLE:** Regulatory Improvements for Decommissioning Power Reactors

**COMMENT#:** 016

---

**From:** David Weisman [mailto:davidjayweisman@gmail.com]  
**Sent:** Monday, December 28, 2015 8:53 PM  
**To:** RulemakingComments Resource <RulemakingComments.Resource@nrc.gov>  
**Cc:** Haas Greg <greg.haas@mail.house.gov>; Guillen, Ryan <Ryan.Guillen@sen.ca.gov>; Ryan, Tiffany <tiffany.ryan@asm.ca.gov>; Shelly Abajian <shelly\_abajian@feinstein.senate.gov>; Michal (EPW) Freedhoff <Michal\_Freedhoff@epw.senate.gov>; ralsop@co.slo.ca.us  
**Subject:** [External\_Sender] comments for Docket No. NRC-2015-0070

TO: Secretary  
ATTN: Rulemaking and Adjudications Staff  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001

ATTACHED PLEASE FIND THE COMMENTS OF THE ALLIANCE FOR NUCLEAR RESPONSIBILITY IN THE ABOVE CAPTIONED DOCKET, NRC-2015-0070.

Thank you.  
DAVID WEISMAN  
Outreach Coordinator

Alliance for Nuclear Responsibility  
PO Box 1328  
San Luis Obispo, CA 93406  
(805) 704-1810 cell  
[davidjayweisman@gmail.com](mailto:davidjayweisman@gmail.com)  
[www.a4nr.org](http://www.a4nr.org)

**Hearing Identifier:** Secy\_RuleMaking\_comments\_Public  
**Email Number:** 1461

**Mail Envelope Properties** (56fab2eb051a439d82dd201941656582)

**Subject:** FW: comments for Docket No. NRC-2015-0070  
**Sent Date:** 1/4/2016 11:32:53 AM  
**Received Date:** 1/4/2016 11:32:56 AM  
**From:** RulemakingComments Resource

**Created By:** RulemakingComments.Resource@nrc.gov

**Recipients:**  
"Rulemaking1CEm Resource" <Rulemaking1CEm.Resource@nrc.gov>  
Tracking Status: None

**Post Office:** HQPWMSMRS03.nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	1391	1/4/2016 11:32:56 AM
122815 NRC EP rulemaking.pdf		158643

**Options**  
**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**



ALLIANCE FOR NUCLEAR RESPONSIBILITY

PO Box 1328  
San Luis Obispo, CA 93406  
(858) 337-2703  
(805) 704-1810

December 28, 2015

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

**transmitted via email**

Re: Docket No. NRC-2015-0070

I am submitting comments on the U.S. Nuclear Regulatory Commission's Advanced Notice of Proposed Rulemaking (Docket No. NRC-2015-0070) on behalf The Alliance for Nuclear Responsibility (A4NR). I appreciate the opportunity to comment on the development of potential changes to the decommissioning process for nuclear power reactors.

First, I would like to respectfully request that NRC extend the comment period for the Advanced Notice of Proposed Rulemaking (ANPRM) for an additional 45 days, until February 18, 2016. This will give stakeholders necessary additional time to draft and submit comments. The original comment deadline of January 4 is insufficient given the number of federal holidays that fall during the comment period. It also failed to allow certain local governments and state agencies the time to properly notice their concerns so as to effectively place this item on the local agenda for consideration and comment.

Sections EP-1, EP-2 and EP-3 are of great concern to us in California, where two plants (Humboldt Bay and San Onofre—SONGS) are already at decommissioned status. The NRC's release of the utility owners for maintaining offsite emergency readiness is an irresponsible lapse of oversight.

While the NRC maintains that the chances of a radiological release from a decommissioned nuclear plant are greatly diminished, *they are not zero*. In fact, the NRC admits that its estimates of such accidents and their resulting conclusions are based on a generic template. The NRC, in EP-1, writes:

The NRC has previously approved exemptions from the emergency planning regulations in §50.47 and appendix E to 10 CFR part 50 at permanently shut down and defueled power reactor sites based on the determination that there are no possible design-basis events at a decommissioning licensee's facility that could result in an offsite radiological release exceeding the limits established by the EPA's early-phase protective action guidelines of 1 rem at the exclusion area boundary. [emphasis added]

Here in California, it is not the design-basis events that concern residents and ratepayers. It is the *beyond-design basis events*. Specifically, the California nuclear plants are on far more active seismic footprints than any other reactors in the nation. The NRC acknowledged this when it divided its post-Fukushima 50.54(f) letter requirements for re-evaluating the seismic design basis for all nuclear plants. The Western reactors were given greater time to complete their studies and analysis due to the inherently greater complexity and threat of the western tectonic setting. In fact, the NRC seismic staff has told the California Energy Commission that they expect the re-evaluation for Diablo Canyon will exceed the seismic design margins in the plant's license. At the very least, any "generic" assumption about the capabilities of a facility to withstand a beyond-design basis seismic event cannot be assumed before the NRC's own 50.54(f) seismic evaluation is complete. It should be noted that with the cessation of operation at SONGS, the utility abandoned the nascent seismic re-evaluation it had begun. Thus, unless such work is required or resumed, Californians will not have full knowledge of the current, state-of-the-art seismic footprint on which the high level spent fuel from SONGS, Diablo Canyon and Humboldt Bay will continue to remain.

EP-1 further states:

For licensees that have been granted exemptions, the EP regulations, as exempted, continue to require the licensees to, among other things, maintain an onsite emergency plan addressing the classification of an emergency, *notification of emergencies to licensee personnel and offsite authorities*, and *coordination with designated offsite government officials following an event declaration so that, if needed, offsite authorities may implement protective actions* using a comprehensive emergency management (all-hazard) approach to protect public health and safety. The EP exemptions relieve the licensee from the requirement to maintain formal offsite radiological emergency preparedness, including the 10-mile emergency planning zone. [emphasis added]

Here is the conundrum: The current rule requires the presence and availability of *offsite authorities* and *offsite government officials* in the event that they are needed. However, the rule also relieves licensees from maintaining formal offsite radiological preparedness. The problem is that it takes money and other resources (time, labor) for these *offsite officials* to remain trained and supplied. This is not money that the local departments of emergency response in the smaller surrounding host communities have readily available. In fact, it is only the presence of the nuclear plant and the money the utility provides (often via ratepayers) that keeps these emergency responders ready. Once the "formal" requirement for emergency services is removed, so too is the funding that keeps the professionals in place. In the simplest terms it means that were a future emergency to occur requiring offsite protective action, the

911 call from within the utility perimeter fence may go unheeded because the neighboring host community didn't have the money to staff their local emergency response office. This would be penny-wise and pound foolish at its most obvious.

We very much look forward to an extension of the public comment period on this issue so that we may address these concerns in greater detail.

Thank you for the opportunity to comment on the U.S. Nuclear Regulatory Commission's Advanced Notice of Proposed Rulemaking on Regulatory Improvements for Decommissioning Power Reactors (Docket No. NRC-2015-0070).

Sincerely,

/s/

Rochelle Becker  
Executive Director