

Rulemaking1CEm Resource

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TITLE: Regulatory Improvements for Decommissioning Power Reactors

COMMENT#: 043

From: Kaminske, Sara [mailto:SKAMINSKE@ocsd.org]
Sent: Monday, February 29, 2016 12:21 PM
To: RulemakingComments Resource <RulemakingComments.Resource@nrc.gov>
Subject: [External_Sender] Orange County Response to NRC-2015=0070

Attached you will find comments from Orange County, CA in response to NRC rulemaking for decommissioning nuclear power plants. If you need any additional information, please let me know. Thank you.

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ORANGE COUNTY, CALIFORNIA/SONGS DECOMMISSIONING COMMENTS RELATING TO DOCKET No. NRC-2015-0070



Action: Advanced notice of proposed rulemaking; request for comment (public comment period)

Orange County is aware of the NRC's plan to amend the current requirements for power reactors transitioning from operational to decommissioning facilities. This correspondence is Orange County's response to the proposed rulemaking and is respectfully submitted for consideration.

SONGS Emergency Planning

Emergency planning for the San Onofre Nuclear Generating Station (SONGS) is complex and requires the close coordination with eight primary jurisdictions that make up the SONGS Interjurisdictional Planning Committee (IPC).

The IPC includes the Counties of Orange and San Diego; the Cities of Dana Point, San Clemente and San Juan Capistrano; Marine Corps Base Camp Pendleton; California State Parks and Southern California Edison. There are also associate members, including Capistrano Unified School District, the American Red Cross, California Highway Patrol and the Orange County Health Care Agency. The IPC's mission is to promote nuclear power preparedness through inter-agency coordination.

The members of the SONGS IPC have committed to maintaining emergency planning and response capabilities related to nuclear power plant emergencies throughout the SONGS decommissioning process, and to continue our multi-agency partnership to accomplish this goal. As a part of our ongoing emergency planning, we will retain the ability to receive information, independently monitor and assess conditions, and take actions to protect our residents, visitors, and emergency workers. Although plans will vary by agency, these public safety capabilities include law enforcement, fire and medical, radiological monitoring, multi-agency coordination, and public information. While some of these capabilities are applicable to a variety of hazards, we will preserve a nuclear power plant-specific focus as a part of our continuing preparedness efforts for as long as the Counties and Cities individually deem necessary.

Nuclear Regulatory Commission

Regulatory Improvements for Decommissioning Power Reactors

Section V. Specific Considerations

Orange County Comments

EP-1

The NRC has previously approved exemptions from the emergency planning regulations 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

- a. What specific EP requirements in § 50.47 and appendix E to 10 CFR part 50 should be evaluated for modification, including any EP requirements not addressed in previously approved exemption requests for licensees with decommissioning reactors?
- b. What existing NRC EP-related guidance and other documents should be revised to address implementation of changes to the EP requirements?
- c. What new guidance would be necessary to support implementation of changes to the EP requirements?

Orange County Comments: FEMA Rep-1: The NRC must work with the Federal Emergency Management Agency to provide regulatory guidance to offsite response organizations, especially taking into consideration the diversity of existing or formally existing Emergency Planning Zones. The Exclusion Area Boundary (EAB) for SONGS extends beyond the SONGS site perimeter north into Marine Corps Base Camp Pendleton and south into the Pacific Ocean. The EAB also includes the only major transportation thoroughfare connecting Orange and San Diego counties (Interstate 5) as well as a major passenger railway system. If an emergency occurs within the EAB and outside of the SONGS site, critical lifelines may be disrupted and emergency response may be delayed.

Moreover, Orange County believes that the focus on 'design-basis events' is too narrow when planning for nuclear power plant related emergencies, as demonstrated by the events at Fukushima Daiichi Nuclear Power Plant in March 2011. Notably, the NRC has a separate docket open to receive public comments on mitigating such beyond-design basis events under docket NRC-2014-0240 (due by February 1, 2016). Emergency planning in the communities around decommissioning nuclear power plants should include all possible events. Because nearby residents also express concern and desire information when emergencies occur that may not have impacted the decommissioning plant, information coordination and distribution plans between the power plant and communities should also be mandated to ensure that 'no risk exists' messages can be distributed via public alert and warning channels when necessary.

EP-2

Rulemaking may involve a tiered approach for modifying EP requirements based on several factors, including, but not limited to, the source term after cessation of power operations, removal of fuel from the reactor vessel, elapsed time after permanent defueling, and type of long-term onsite fuel storage.

- a. What tiers and associated EP requirements would be appropriate to consider for this approach?
- b. What factors should be considered in establishing each tier?
- c. What type of basis could be established to support each tier or factor?
- d. Should the NRC consider an alternative to a tiered approach for modifying EP requirements? If so, provide a description of a proposed alternative.

Orange County Comments: On-going risks associated with decommissioning nuclear power plants include:

- Radioactive spent nuclear fuel remaining on site indefinitely.
- The majority of the radioactive fuel will be cooled in spent fuel pools.
- There is a risk of fire and potential release of radiation if the pool liners are compromised
- There is radioactive fuel stored in long term dry cask storage with no long term removal solution and no long term test of safety and efficacy of this method.
- Significant cuts will be made to security personnel which still have a mission to protect the nuclear fuel from sabotage.

In addition, local jurisdictions will have an obligation to the community to maintain emergency preparedness capability. Public education and public information sharing unique to nuclear materials will be on-going for years. Additional nuclear emergency preparedness activities during decommissioning include:

- Funding of personnel to manage the emergency plan and nuclear related activities.
- An on-going public responsibility to plan for beyond design basis events since local agencies are not bound by probabilities.
- The ability to provide on-going training for Emergency Operations Center personnel.
- Training and maintaining the response capability of offsite dose assessment teams.
- Calibration and maintenance of radiological monitoring equipment.
- Maintaining Reception and Decontamination Center equipment.
- Purchasing supplies for and re-establishing Joint Information Centers (licensees will no longer manage this component of emergency response).
- Addressing issues of decommissioning plant waste material monitoring, transportation and disposal need to be coordinated and communicated to impacted jurisdictions.

Orange County agrees to a tiered down approach based upon the risk associated with the spent fuel being cooled in the Spent Fuel Pools and the transition to all fuel being removed from the pools and placed in dry cask storage. The tiered down approach should never fall below appropriate emergency response capabilities until all fuel is permanently removed from the site and placed in an offsite repository, all contaminated materials have been removed from the site, and the site has been returned to its natural state. Offsite agencies do not have radiological response capabilities without specific funding dedicated to this issue.

EP-3

Several aspects of offsite EP, such as formal offsite radiological emergency plans, emergency planning zones, and alert and notification systems, may not be necessary at a decommissioning site when beyond-design-basis events—which could result in the need for offsite protective actions—are few in number and highly unlikely to occur.

- a. Presently, licensees at decommissioning sites must maintain the following capabilities to initiate and implement emergency response actions: classify and declare an emergency, assess releases of radioactive materials, notify licensee personnel and offsite authorities, take mitigative actions, and request offsite assistance if needed. What other aspects of onsite EP and response capabilities may be appropriate for licensees at decommissioning sites to maintain once the requirements to maintain formal offsite EP are discontinued?
- b. To what extent would it be appropriate for licensees at decommissioning sites to arrange for offsite assistance to supplement onsite response capabilities? For example, licensees at decommissioning sites would maintain agreements with offsite authorities for fire, medical, and law enforcement support.
- c. What corresponding changes to § 50.54(s)(2)(ii) and 50.54(s)(3) (about U.S. Federal Emergency Management Agency (FEMA)-identified offsite EP deficiencies and FEMA offsite EP findings, respectively) may be appropriate when offsite radiological emergency plans would no longer be required?

Orange County Comments: There is currently no state or federal guidance for offsite response agencies to follow as it relates to decommissioning nuclear power plants. Although the NRC states that potential nuclear accidents “are few in number and highly unlikely to occur,” offsite response agencies have a responsibility to maintain nuclear specific emergency plans and appropriate emergency response capabilities. While a Site Area Emergency or General Emergency declaration may no longer be possible, the Alert Classification Level may still remain which initiates specific response and coordination with on-site personnel and offsite agencies. Maintaining formal agreements with offsite agencies that can support and augment emergency response is vital to an effective emergency plan. The requirement should also include plan review, annual agency coordination, and on-going training and exercises. Offsite response agency basic emergency plans are not sufficient to deal with the complexities of an emergency response to a nuclear storage site.

In addition, licensees of decommissioning power plants are reducing their on-site fire and security personnel which may result in a need to request mutual aid from offsite agencies during hostile action based events or fires at the plant.

EP-4

Nuclear power reactor licensees are required to follow and maintain the effectiveness of emergency plans that meet the standards in § 50.47 and the requirements in appendix E to 10 CFR part 50. These licensees must submit to the NRC, for prior approval, changes that would reduce the effectiveness of their emergency plans.

- a. Should § 50.54(q) be modified to recognize that nuclear power reactor licensees, once they certify under § 50.82, "Termination of License," to have permanently ceased operation and permanently removed fuel from the reactor vessel, would no longer be required to meet all standards in § 50.47 and all requirements in appendix E? If so, describe how.
- b. Should nuclear power reactor licensees, once they certify under § 50.82 to have permanently ceased operation and permanently removed fuel from the reactor vessel, be allowed to make emergency plan changes based on § 50.59, "Changes, Tests, and Experiments," impacting EP related equipment directly associated with power operations? If so, describe how this might be addressed under § 50.54(q).

Orange County Comments: Proposed changes to the licensee's emergency plan that would reduce the effectiveness of the licensee's emergency response capabilities should be communicated to and coordinated with affected offsite agencies and community members. The licensees of decommissioning nuclear power plants should be held accountable through transparent coordination with local, state, and federal authorities with an on-going effective public communication strategy. Offsite approval of licensee emergency plans should be required.

EP-5

Nuclear power reactor licensees are required to review all EP program elements every 12 months. Some EP program elements may not apply to permanently shut down and defueled sites; for example, the adequacy of interfaces with State and local government officials when offsite radiological emergency plans may no longer be required.

- a. Should § 50.54(t) be clarified to distinguish between EP program review requirements for operating versus permanently shut down and defueled sites? If so, describe how.

Orange County Comments: Orange County is committed to maintaining emergency response capabilities related to nuclear preparedness throughout the SONGS decommissioning process, and to continue our multi-agency partnership to accomplish this goal. The NRC should continue to require the annual review of EP program elements for decommissioning nuclear power plants, and periodic evaluated exercises of those elements with participation by off-site agencies. The NRC should not blindly assume that the state and local governments have nuclear response capability in the absence of dedicated funding.

EP-6 (NRC Communications: Emergency Response Data Systems)

N/A - Applies to the NRC, not offsite agencies.

EP-7

Nuclear power reactor licensees are required to make an immediate notification to the NRC for the declaration of any of the emergency classes specified in the licensee's NRC-approved emergency plan. Notification of the lowest level of a declared emergency at a permanently shut down and defueled reactor facility may no longer need to be an immediate notification (e.g., consider changing the immediate notification category for a Notification of Unusual Event emergency declaration to a 1-hour notification). What changes to § 50.72(a)(1)(i) should be considered for decommissioning sites?

Orange County Comments: Clear regulatory guidance must be maintained for emergency offsite notifications, including local, state, and federal agencies. The SONGS Permanently Defueled Emergency Plan states "The NRC will be notified immediately *after* notification of the appropriate state and local agencies and not later than one (1) hour after the time of the initial classification, escalation, termination or entry into the recovery phase." Specific emergency notification procedures and emergency personnel mobilization processes must be established and maintained for the duration of any and all licensee decommissioning activities. Emergency notification of offsite response agencies should be immediate since the licensee downgrades their response capability during decommissioning.

EP-8

Nuclear power reactor licensees are required to make an 8-hour report of any event that results in a major loss of emergency assessment capability, offsite response capability, or offsite communications capability (e.g., significant portion of control room indication, emergency notification system, or offsite notification system). Certain parts of this section may not apply to a permanently shut down and defueled site (e.g., a major loss of offsite response capability once offsite radiological emergency plans would no longer be required). What changes to § 50.72(b)(3)(xiii) should be considered for decommissioning sites?

Orange County Comments: If an emergency occurs at an operating or decommissioning nuclear power plant, recording and reporting any emergency event is critical. Orange County is not opposed to reasonable changes to reporting timeframes for decommissioning facilities, but we are opposed to eliminating emergency reporting requirements for decommissioning sites. Federal regulations must be maintained.