



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 24, 2016

Chairman Ron Roberts  
County of San Diego  
Board of Supervisors  
1600 Pacific Highway, Room 335  
San Diego, CA 92101-2470

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RESPONSE TO COMMENTS FROM THE COUNTY OF SAN DIEGO REGARDING THE ADVANCE NOTICE OF PROPOSED RULEMAKING ON REGULATORY IMPROVEMENTS FOR DECOMMISSIONING POWER REACTORS

Dear Chairman Roberts:

Thank you for your letter dated February 1, 2016, regarding the decommissioning activities underway at the San Onofre Nuclear Generating Station (SONGS); and more specifically, the impact that the U.S. Nuclear Regulatory Commission (NRC)'s proposed rulemaking activity titled "Regulatory Improvements for Decommissioning Power Reactors," may have on the continued funding of off-site emergency planning for SONGS and other decommissioning facilities. The NRC is an independent regulator of the safe civilian use of radiological materials. Therefore, while we have the authority to establish and enforce rules related to the civilian use of radiological materials, we do not have the authority to require funding of emergency preparedness activities.

During the on-going rulemaking process, the NRC regulations that govern emergency preparedness, off-site insurance, and appropriate decommissioning staffing levels and qualifications, among many others, will be examined to determine whether additional regulatory clarity, efficiency, or effectiveness can be gained without impacting public health and safety in and around decommissioning facilities. The rulemaking process is transparent and offers many opportunities for public involvement. We welcome your feedback on the proposed changes to the NRC's regulations as we move forward with this integrated decommissioning rule.

Currently, there are no explicit regulatory provisions distinguishing emergency preparedness requirements for power reactors that have been shut down from those that are operating. For emergency planning in particular, the NRC evaluates proposed exemptions to the emergency preparedness requirements at decommissioning reactors considering three main points:

1. There is a decreased risk to the public due to the reactor being defueled;
2. The licensee must continue to maintain an on-site emergency plan providing for the appropriate classification of emergencies, notification of off-site government authorities, and coordination of off-site organizations responding on-site (i.e., firefighting, medical assistance); and
3. The licensee is required to maintain the capability to mitigate an event related to the spent fuel pool for as long as any spent fuel remains in the pool.

The NRC reviews and approves exemptions and changes to the emergency response plan based on the considerations listed above. This approval is based on the age and safe storage of the nuclear fuel in specifically engineered structures, as well as upon verification of the technical and regulatory justifications provided by the licensee that describe the decreased risk and scope of postulated accidents at a nuclear power reactor undergoing decommissioning.

In the area of off-site emergency planning, the NRC has issued exemptions to SONGS and other comparable reactors in decommissioning from the requirement for a formal off-site radiological emergency plan requiring certification by the Federal Emergency Management Agency because the risk to public health and safety is significantly less than when the plant was operating. State and local governments have comprehensive emergency management (all hazard) plans in place to address a wide-range of non-radiological emergencies. There is ample data to show that off-site response organizations can effectively carry out protective measures (including evacuations) for a wide range of events. As such, the requirement for detailed pre-planning within ten miles of the facility no longer exists for SONGS and other comparable facilities that have received similar emergency preparedness exemptions. Although it is highly unlikely that an event would occur with off-site dose consequences in excess of the U.S. Environmental Protection Agency's Protective Action Guidelines, there should be sufficient time for State or local governments to undertake off-site protective measures.

Thank you again for your comments on the on-going decommissioning rulemaking activity. We encourage you to continue to remain engaged through the NRC's processes for public involvement in the rulemaking process. If you have additional questions or concerns, please contact Marlayna Vaaler, SONGS's Project Manager at 301-415-3178, or via email at [marlayna.vaaler@nrc.gov](mailto:marlayna.vaaler@nrc.gov), to facilitate further discussions.

Sincerely,

*/RA/*

Bruce Watson, CHP, Chief  
Reactor Decommissioning Branch  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

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*/RA/*

Bruce Watson, CHP, Chief  
 Reactor Decommissioning Branch  
 Division of Decommissioning, Uranium Recovery  
 and Waste Programs  
 Office of Nuclear Material Safety  
 and Safeguards

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