

Rulemaking1CEm Resource

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Regulatory Improvements for Decommissioning Power Reactors; Extension of Comment Period

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General Comment

Comments regarding Nuclear Regulatory Commission Notice of Proposed Rulemaking Docket #NRC 2015 0070 Sub docket 0001

On the subject of Emergency Plans found in Section V. Specific Considerations of the NPR in Section EP-2 "Rulemaking may involve a tiered approach": The Nuclear Regulatory Commission (NRC) could consider a risk-based tiered approach to the decommissioning process in which the size/scope of the 10 mile Emergency Planning Zone (EPZ) and 50 Mile Ingestion Pathway Zone (IPZ) is incrementally scaled back in accordance with the hazards during each phase of the decommissioning process. This would allow EPZ and IPZ stakeholders to adjust to the changing risk of a decommissioned nuclear power plant (NPP) while retaining core offsite response organization (ORO) capabilities in the immediate vicinity of the NPP to and through the termination of the Zirconium Fire Window and subsequent License Amendment/Termination of Offsite Emergency Preparedness.

This comment is tied to the question raised by the NRC in EP-3.b "To what extent would it be appropriate for licensees at decommissioning sites to arrange for offsite assistance...". A tiered approach would allow the licensee to continue to maintain a strong and clearly defined relationship with OROs in immediate proximity to the NPP by refocusing training, resources and attention to the core communities that could continue to be called upon to support onsite response even after the termination of offsite EP. To further facilitate this, regulations in line with the questions raised by the NRC in EP-3.b. could consider the continued potential need for OROs to respond to an NPP following the termination of Offsite EP by requiring a basic level of

continued annual radiological training and locally-maintained equipment (dosimetry) with all potential OROs that would be called upon to respond onsite.

In line with the questions regarding the Emergency Response Data System (ERDS) raised by the NRC in EP-6, additional consideration could be given to OROs who use ERDS as a decision-making tool throughout the lifecycle of offsite EP. The termination of ERDS at the time of PSDAR submission (the implementation of which does not require NRC approval) rather than license termination may leave state and local stakeholders searching for equivalent data at a time during which the impending elimination of offsite EP precludes the establishment of additional state monitoring capabilities.

Regarding the NPR Section E "Question Related to the Current Regulatory Approach for the Decommissioning Power Reactor Licensees" REG-3.a. and REG-3.c. "Should the current role of the States, members of the public, or other stakeholders in the decommissioning process be expanded or enhanced and how so?" The NRC could further empower states by including them in the decommissioning process by giving them a defined voice and role in the process through a mandatory community engagement panel (or other equivalent body) as they are the direct representatives of local municipalities who ultimately will be impacted by the closure and decommissioning of a NPP. By unifying and streamlining the advisory panel process by including federal, state, local and private sector partners, stakeholders at all levels will be able to positively impact the decommissioning process by ensuring concerns down to the local level are shared and addressed across all jurisdictions.

A final comment that does not fit into a specific category: the NRC could consider including in any future rulemaking a clearly defined recourse for FEMA and the NRC to seek compliance with federal regulations in the event Level 1 or 2 findings are assessed to an ORO once a NPP has entered permanently defueled status. Based on the decommissioning timeline between when a NPP enters permanently defueled status and final offsite EP exemption, it is likely that a NPP will still require a biennial evaluated exercise during the gray period addressed in this rulemaking process. While the NPP is operating, it is assumed that the licensee is driven to work with OROs to remediate any exercise findings to ensure the continued operation of and revenue from the NPP. Without such motivation to compel both OROs and the licensee to maintain preparedness through the full participation in meetings, exercises, drills and out of sequence events, an alternative may be needed to ensure compliance with federal regulations.