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# PUBLIC SUBMISSION

**Docket:** NRC-2015-0070

Regulatory Improvements for Power Reactors Transitioning to Decommissioning

**Comment On:** NRC-2015-0070-0178

Regulatory Improvements for Power Reactors Transitioning to Decommissioning; Request for Comment on Draft Regulatory Basis

**Document:** NRC-2015-0070-DRAFT-0197

Comment on FR Doc # 2017-05141

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## Submitter Information

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## General Comment

See attached file(s)

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## Attachments

Rulemaking Comments

**June 2, 2017**

**Subject:** Docket ID NRC-2015-0070: Draft Regulatory Basis; Request for Comment, Regulatory Improvements for Power Reactors Transitioning to Decommissioning, 82 FR 13,778 (Mar. 17, 2017).

To discuss the NRC's graded approach to emergency planning, the closing impacts statement in Appendix A is an enlightening place to begin.

*"Overall, this option would result in ongoing cost savings to licensees." Proposed rule A-36.*

In Appendix A, Emergency Preparedness, the proposed rule focuses on relieving licensee regulation and administrative burden. While a more systematic approach to decommissioning is needed, the graded approach that has been proposed prioritizes licensee's desires over the health and safety of the public. This proposed rule cites studies and utilizes assumptions that incorrectly credit the capabilities that offsite response organizations (OROs) will be able to maintain if this approach is implemented. While the numerous scenarios that may have significant impacts on public health and safety are reduced during decommissioning, the severity of a zirconium fire still necessitates onsite and offsite response organizations maintain a full complement of capabilities.

During a reactor's operational life, regulations required that the licensee and offsite response organizations remain in lockstep; ensuring continual coordination, notifications, training, exercising and response. While the occurrence of a significant radiological emergency at a nuclear power plant has always been unlikely, regulations nonetheless were established to ensure public health and safety was the priority. This proposed rule and graded approach, eliminates Radiological Emergency Preparedness (REP) requirements which are integral to the protection of public health and safety. Though the requirements are slated to be eliminated, the threat against public health and safety remains. The proposed rule continually states that offsite protective actions would be needed to provide onsite mitigative actions as well as offsite protective actions, including the evacuation of the 10-mile plume exposure pathway. With the removal of REP requirements, OROs not only have less access to funding for planning and preparedness activities, but they lose licensee coordination, resources and equipment, and the continual planning, training, and exercising that is supported through REP requirements. The removal of these requirements only aids in reducing the regulatory and administrative burden on the licensee.

Throughout the proposed rule, many of the assumptions that are used to provide support are negated by the rule itself.

*"...and at 5 miles, PAGs would be expected to be exceeded 8 to 9 hours after release. The results also indicate that acute fatal effects offsite appear to be unlikely from either source term evaluated provided that individuals can be relocated within a reasonable time after plume arrival" Proposed rule Appendix A-8*

*"ETE data shows that under a variety of normal and adverse conditions, the average time to evacuate 100 percent of the population is about 4 hours for the 2-mile area surrounding the site and about 5 hours for the full 10-mile EPZ. The data also show that the vast majority of evacuations for the full 10-mile plume exposure pathway EPZ can be reasonably be expected to be completed within 10 hours." Proposed rule Appendix A-9*

These excerpts reference Protective Actions Guides (PAGs), acute fatal effects, Evacuation Times Estimates (ETE), the 10 mile plume exposure pathway, and evacuations for 100% of the population. Yet the proposed graded approach to emergency preparedness eliminates these resources and capabilities completely. Offsite response organizations are able to conduct the timely evacuations as mentioned in the excerpt, because of the systems, resources, relationships, training, and exercises required by the said regulations that are being proposed to be eliminated. The continual usage throughout the proposed rule of statements referencing “10 hours” or “sufficient time will be available for offsite response organizations to implement appropriate protective actions”, clearly identifies that a capability to provide protective actions for the public is expected.

Countless amounts of money, resources and time have gone into ensuring that the emergency planning and response capabilities will ensure public health and safety during a radiological event. Why we would dispose of those capabilities so rapidly in this graded approach, when it is clear that the need for those capabilities is still present, could use some further explanation and justification by the NRC.