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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-0212

Comment on FR Doc # 2017-05141

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## Submitter Information

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## General Comment

NRC Proposed Rule: Regulatory Improvements for Power Reactors Transitioning to Decommissioning  
Orange County California comments Docket # NRC-2015-0070

June 13, 2017

File is attached

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## Attachments

Orange County CA Response to NRC Docket ID No NRC-2015-0070 June 13 2017

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

June 2017



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## **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 and preserve nuclear emergency response capability 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 the ongoing emergency planning, the IPC jurisdictions will retain the ability to receive information, independently monitor and assess conditions, and take actions to protect 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, synchronized protective action decision making and public information. While some of these capabilities are applicable to a variety of hazards, the IPC jurisdictions 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.

### ***Request for Comment***

1. *Is the NRC considering appropriate options for each regulatory areas described in the draft regulatory basis?*

**Yes, we believe the NRC has listed the spectrum of possible options for each regulatory area ranging from no action to stringent regulation. Orange County appreciates the NRC's continued efforts in engaging affected stakeholders in the rule making process.**

2. *Are there additional factors that the NRC should consider in each regulatory areas? What are these factors?*

**In developing guidance or regulations the NRC should incorporate consideration on a per licensee basis on identified local threats and hazards as well as unknown and beyond design basis hazards or threats. Additionally, the NRC may wish to consider issuing guidance on coordination with locals for transporting and disposal of contaminated material.**

3. *Are there any additional options that the NRC should consider during development of the proposed rule?*

**NRC should incorporate a local assent before the NRC grants exemptions to licensees for offsite emergency planning, training and exercises, and equipment.**

4. *Is there additional information concerning regulatory impacts that NRC should include in its regulatory basis for this rulemaking?*

**Regulations and guidance should also be assessed for their impact on local government emergency response coordination efforts. The member agencies of the San Onofre Nuclear Generating Station Interjurisdictional Planning Committee have committed to maintaining emergency planning and response capabilities related to nuclear power plant emergencies throughout the SONGS decommissioning process, and to continue the multi-agency partnership to accomplish this goal. As a part of this ongoing emergency planning, the IPC jurisdictions will retain the ability to receive information, independently monitor and assess conditions, and take actions to protect 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, synchronized protective action decision making and public information. While some of these capabilities are applicable to a variety of hazards, the IPC jurisdictions 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.**

5. *Should the NRC address the exemption to §50.38 for licensees of generic basis as a part of this rulemaking? If so, why, and how should the NRC address this issue?*

**No, there should be no exemptions to this rule.**

6. *Are the physical security protection programs in 10 CFR part 37 an areas of regulations that the NRC should address in this rulemaking? If so, why and how should the NRC address this issue?*

**Throughout the decommissioning cycle of a nuclear power plant, radioactive material onsite must be protected and secured to the maximum extent possible. Security standards at decommissioning nuclear power plants during fuel handling and storage activities should be in compliance with 10 CFR part 37.**

7. *Should 10 CFR part 50 licensee transitioning from an operating status to decommissioning status be provided specific physical security requirements in 10 CFR part 37 Each licensee should be assessed individual for threats and hazards to their site and the safe storage of their category 1 and 2 materials, based on their decommissioning status?*

**These considerations should include security impacts in the surrounding communities. For example, a decommissioning plant that sits alongside a major rail way and interstate has the potential for different security impacts than a decommissioning plant located in a rural area. The reduction in the number of defensive barriers at a decommissioning power plant creates a potential for an increase in security breaches.**

8. *Should the NRC establish specific security requirements for the storage of category 1 and category 2 materials contained in large components, robust structures, and in other equipment that are not likely to be subject to theft and diversion due to their inherent self-protecting features?*

**There should be specific security requirements for the safe storage of radioactive materials on site even when stored in robust structures that are not likely to be subject to theft and diversion.**

9. *Is a clarification of the exemption in §37.11 (b) needed with respect to facilities with 10 CFR part 73 security plans that are undergoing decommissioning?*

**Yes, clarification is needed. The NRC should consider clarifying the exemption qualification in §37.11 (b) with respect to facilities that are undergoing decommissioning.**

10. *Should this area of the regulations be addressed in this rulemaking? If so, why, and how should the NRC address this issue?*

**Major decommissioning activities outlined in “Reporting and Recording Keeping for Decommissioning Planning” should include a provision for continued funding for offsite response organizations for emergency planning, preparedness, response, and recovery activities. Orange County supports regulatory Option 2: Rulemaking, sub bullet 1, with the slight modification to include the following:**

- **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.**

11. *If the NRC takes this approach, should the NRC apply this requirement to licensees who already have exemptions from insurance requirements and whose levels of insurance have not been adjusted for inflation?*

**The NRC should ensure that adequate liability insurance is maintained throughout the decommissioning process.**

12. *The NRC staff requests public comments on the following options.*

**See #13 below.**

13. *Which option should the NRC pursue to address this issue?*

**Option 2 is preferred above option 3 to maintain the distinctive nature of the emergency plan as a unique catastrophic plan above the day to day security plans.**

14. *The staff is seeking public comment on how such a requirement might constitute a cost-justified, substantial increase in protection of the public health and safety or the common defense and security.*

**For community awareness as a critical component, the NRC should require decommissioning licensees to create a community advisory board with membership and activity levels commensurate with the overall level of public interest based on the specific community demographics. This practice correlates with FEMA's whole community planning which has been demonstrated as a best practice in risk-based emergency planning. Cost justification could be based on:**

- 1). **Increased community goodwill for the company as an accounting line item.**
- 2). **Reduction in potential lawsuit costs.**
- 3). **Reduction of costs incurred by offsite organization otherwise excluded by the decommissioning process.**
- 4). **Reduction in public safety costs due to public protest at plant site and local government meetings.**

#### **Cumulative Effects of Regulation**

Orange County defers to the NRC in moving this process through in a timely manner. Orange County believes it is in the best interest of the community to see regulations in place and appreciate the considered approach the NRC is taking.