



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

May 21, 2018

Scott P. Murray, Manager
Facility Licensing
GE Hitachi Nuclear Energy
3901 Castle Hayne Road
P.O. Box 780
Wilmington, NC 28402

SUBJECT: GE HITACHI RESPONSE PLAN FOR U.S. NUCLEAR REGULATORY
COMMISSION REQUEST FOR ADDITIONAL INFORMATION (EPID No. L-
2017-LLA-0052)

Dear Mr. Murray:

By letter dated March 28, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18087A384), GE Hitachi Nuclear Energy (GEH) submitted a response to a U.S. Nuclear Regulatory Commission (NRC) January 18, 2018 (ML18087A384) request for additional information (RAI) necessary to complete NRC's evaluation of your July 10, 2015, request, supplemented by letters dated October 15, 2015, July 15, 2016, and July 31, 2017 (ADAMS Nos. ML15195A088, ML15288A390, ML16197A277, and ML17212B019 respectively), to exempt the shutdown reactors at the Vallecitos Nuclear Center (VNC) from the decommissioning scheduling requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.82 (50.82(a)(3) and 50.82(b)(4)(i)) using the criteria of 10 CFR 50.12, "Specific Exemptions".

Your response of March 28, 2018, contained plans to provide an engineering structural analysis (related to the requirements of 10 CFR 20.1406(c) "Minimization of contamination") needed by NRC to complete the review of the exemption request. In addition, your response contained plans to address compliance with the subsurface radiological survey requirements of 10 CFR 20.1501(a) "Surveys and Monitoring – General," and decommissioning recordkeeping compliance requirements of 10 CFR 50.75(g) "Reporting and Recordkeeping for Decommissioning Planning."

With this letter NRC acknowledges your plans to provide the information on the timelines described in your response. When NRC receives the information, it will be reviewed by technical specialists relative to the exemption criteria of 10 CFR 50.12, and compliance with the other regulations referenced above. The information contained in your response may also be verified by onsite inspection if appropriate.

There is relevant NRC guidance for some of the work you will be undertaking. NUREG-1757, Vol. 2, Rev. 1 "Consolidated Decommissioning Guidance – Characterization, Survey, and Determination of Radiological Criteria," contains guidance for radiological surveys and

groundwater characterization. NUREG-1757, Vol. 3, Rev. 1 "Consolidated Decommissioning Guidance - Financial Assurance, Recordkeeping, and Timeliness," contains guidance for decommissioning recordkeeping. NRC Regulatory Guide 4.21 "Minimization of Contamination and Radioactive Waste Generation: Life-Cycle Planning," and NRC Regulatory Guide 4.22, "Decommissioning Planning During Operations" describes methods acceptable to the NRC for licensees to use in implementing the requirements of 10 CFR 20.1406 and 20.1501.

In addition, in your July 31, 2017, response to NRC's first request for additional information, GEH concluded that the exemption request is eligible for a categorical exclusion from the requirement to prepare an environmental assessment or an environmental impact statement in accordance with 10 CFR 51.22(c)(25). This conclusion was based on your interpretation that an exemption from the scheduling requirement for decommissioning meets the provisions of 10 CFR 51.22(c)(25)(i through v, and vi(G)). However, NRC has determined that requesting an exemption from the decommissioning timeliness requirement is not the type of "scheduling requirement" exemption contemplated by the 2010 NRC rule on categorical exclusions from environmental review (75 FR 20248). Therefore, NRC will need to do an environmental assessment to complete the review of this request. The information you gather in response to the decommissioning regulatory requirements described above will be needed as input to the NRC's environmental assessment as well.

Also, given that this exemption request to extend the decommissioning schedule is without precedent for power reactor licensees, GEH should consider following the regulations in 10 CFR 50.82(a)(4) in the pursuit of this request. Although following that regulation is not required for reactors that were shutdown before implementation of the decommissioning rule in 1996, following the rule requirements would allow for a description of the proposed change in decommissioning strategy to be filed in a Post Shutdown Activities Decommissioning Report and allow for the NRC to engage with stakeholders and the public to accept comments on the proposed change. Guidance for following that process is contained in NRC Regulatory Guide 1.184 "Decommissioning of Nuclear Power Reactors." In addition, NRC staff considers it a best practice for licensees to engage stakeholders (e.g., in this case, the California Energy Commission, the California Department of Public Health, local government, and members of the public) during the decommissioning process through the formation of a community advisory board. NRC has found that these actions can help to maintain safety and improve efficiency, effectiveness, and transparency in the regulatory process for decommissioning nuclear power plants and other nuclear facilities.

Please contact me at (301) 415-6634 if you have any questions.

Sincerely,

/RA/

Jack D. Parrott, Senior Project Manager
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 50-18, 50-183 and 50-70

License Nos.: DPR-1, DR-10 and TR-1

CC: GE Vallecitos Mailing List

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