

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** Chairman Hanson  
**SUBJECT:** SECY-21-0033: Request for an Exemption from the Decommissioning Schedule Requirements for Shutdown Reactors at the GE Hitachi Vallecitos Nuclear Center

Approved  Disapproved  Abstain  Not Participating

COMMENTS: Below  Attached  None

**Entered in STARS**

Yes   
No



Signature  
Christopher T. Hanson  
Date 07/28/2021

**Chairman Hanson's Comments on SECY-21-0033, "Request for an Exemption from the Decommissioning Schedule Requirements for Shutdown Reactors at the GE Hitachi Vallecitos Nuclear Center"**

In SECY-21-0033, the staff recommends approving GE Hitachi's (GEH) request for an exemption from specific decommissioning schedule requirements for their two shutdown power reactors, the Vallecitos Boiling Water Reactor (VBWR) and the Empire State Atomic Development Associates Vallecitos Experimental Superheat Reactor (EVESR), and one shutdown nonpower reactor, the General Electric Test Reactor (GETR). The proposed exemption would allow GEH to delay the decommissioning of all three shutdown reactors so the entire site can be decommissioned at the same time as the currently operating Nuclear Test Reactor (NTR).

As described further below, I disagree with the staff's recommendation to approve this exemption because I do not believe it would be in the public interest, a necessary finding to grant an exemption from our regulations.

To find the exemption request in the public interest, the staff reasoned that the delay until complete consolidated site decommissioning would assure consistent residual contamination criteria across the VNC site. However, this determination conflicts with the staff's own assertion in the paper that for the GEH VNC shutdown sites, there will be no appreciable safety benefits in dose rate or source term reduction by completing decommissioning past the regulatory timeline. Additionally, the unrestricted use release criteria under our regulations is the same for each individual site, regardless of the time it takes to decommission. Therefore, our regulatory structure already assures that the licensee will decommission the reactors to consistent residual contamination criteria across the site. I believe that for the GEH VNC site, it is in the public interest to return decommissioning sites to unrestricted use as soon as practicable, as intended by our regulatory framework.

Further, the VBWR, EVESR, and GETR site locations face site-specific challenges regarding structural integrity and aging management. For example, GEH provided a site-specific seismic evaluation for the VBWR due to structural degradation issues identified during inspections and to determine what changes would be needed for maintenance and surveillance of the site in case the exemption is granted. In addition, GEH revised its monitoring and surveillance procedures, and increased site monitoring (e.g. installation of additional monitoring wells, seismic recording devices, humidity and wetness sensors, etc.) to provide better assurance of the conditions of the reactor buildings and improve environmental monitoring of the site. While these concerns are being addressed through the agency's routine regulatory oversight of the facilities and I am assured that they are safe, I do not see how extending the decommissioning period for the GEH shutdown reactors will provide any safety benefits or considerable reduction of risk to the public. Therefore, the public interest is best served by maintaining the current decommissioning schedule and denying the exemption request.

The staff notes that this decision may be viewed as a precedent for other sites that have both shutdown and operational reactors. However, site-specific factors present at the GEH VNC site were a necessary part of my determination. In my view, it is important that future applications for relief from the decommissioning schedule requirements in our regulations carefully take site-specific factors into account and be evaluated by the staff on a case-by-case basis.

For the reasons stated above, I disapprove the staff's recommendation under Option 1 to grant GEH an exemption under 10 C.F.R. § 50.12 to extend the decommissioning schedule for the EVESR, GETR, and VBWR sites and instead approve denial of the request under Option 2.