

State Perspectives on Part 53

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NRC Commission Meeting: Update on 10 CFR Part 53 Licensing and Regulation of Advanced Nuclear Reactors (Public Meeting)



Connecticut Department of Energy and Environmental Protection



Disclosures

- The views presented are mine as the Radiation Program Director for the state of Connecticut and do not necessarily represent the views of the Council of Radiation Control Program Directors (CRCPD) or other states.*
- I am a member of the NAS working group on the Merits and Viability of Different Nuclear Fuel Cycles and Technology Options and the Waste Aspects of Advanced Nuclear Reactors. As such I cannot comment on issues related to the report until it is published.*



Interests of States Vary

- Interests of states vary across the country
- Intend to discuss several topics generally affecting all or most states



Interests of States

- Climate Change
 - Many states have statutorily required carbon reduction goals
 - Recognize that nuclear (both existing and new) has potential to play a significant role in meeting these targets
 - States have committed resources to ensure economic viability of nuclear assets
- Nuclear plays a significant role in Integrated Energy Planning for the states
- Interest in the economic benefits of nuclear energy sector
- Many states rethinking previous limitations on nuclear
 - Statutory changes



Interests of States

- States recognize the authority of the NRC for regulation of nuclear power facilities, but also...
 - maintain a very serious interest in radiological matters that could affect the health and safety of the public and the natural resources of the states
 - committed to maintain independence and transparency of the regulatory oversight process
 - committed to the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the implementation and enforcement of environmental laws, regulations, and policies



States Understand the NRC's Approach

- Recognize the statutory mandate
- Understand the complexity of the topic
- Appreciate the efforts to involve stakeholders in the regulatory development process
- Rely on the expertise of NRC staff and other experts for ensuring regulations reflect priority on safety



Part 53 Process Concerns

The complexity of topics, volume of information, and extent of public meetings challenges meaningful engagement by all but those already most informed

- Difficult to follow, especially with dynamic changes
- Steep learning curve
- Detailed discussions v. key issues
- Environmental Justice communities disproportionately impacted by
 - Lack of plain language
 - Over-reliance on internet access
- Participation dominated by industry with dedicated staff vice other stakeholders



Areas of States' General Interests

Overall interests – ensure regulations provide for...

- Transparency
 - Limit **over**-reliance on
 - Licensee controlled processes *without* public reporting
 - Proprietary information
 - Analyses where data will be available (e.g. environmental monitoring)
 - Continue with
 - Reporting of emergency and non-emergency events
 - Public inspection reports and performance meetings
 - Environmental monitoring
- Process opportunities for local stakeholder input (incl EJ communities)
- Importance of independent offsite capabilities in maintaining the public trust
 - Nuclear is special and unique
 - Reasonable assurance requires verification not just analysis
 - Radiation releases below EPA Protective Action Guidelines (PAGs) are not sufficient for public's assurance of adequate protection



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Areas of States' Specific Interests

Specific interests

- Radiation exposure limits
 - Should be consistent with the claims of inherent safety
 - Avoid explicit use of Quality Health Objectives (QHO's)
 - Allows credit for dosimetry and dose modeling rather than focusing on improving plant safety
- Related authorities that protect public and environment from other hazards
 - Resource Conservation and Recovery Act (RCRA) for the proper management of hazardous and non-hazardous solid waste hazards (such as Na)
 - Air Water permitting (Clean Air and Water Acts)
 - Environmental Justice requirements
- Major questions doctrine (EPA v. West Virginia) implications
 - Fusion (not part 53)
 - Waste and Spent Nuclear Fuel (SNF) continued storage



Recommendations

- Ensure public health and safety and protection of the environment remain the highest priority
- Engage other stakeholders on higher order topics
 - Outreach on topics of mutual interests
- Opportunities for specific outreach to state representatives
 - CRCPD Committee on Commercial Nuclear Power (E-47)
 - State Liaison Officers (SLOs)
- Engage with general public including within EJ communities
 - Public meetings in communities in addition to online
 - Plain language presentations and materials (including non-English)
 - Demonstrate how process and regulations ensure safety and environmental protection
 - Specific questions related to community interfaces



Questions?

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