

To: Members of the SONGS Community Engagement Panel (CEP)

From: David G. Victor, CEP Chairman

Re: Impressions from my July 15 visit to the
Nuclear Regulatory Commission (NRC)

Date: July 15, 2014

I spent today at the NRC testifying at a hearing about the decommissioning process and learning about the experiences at other plants. I met with the Commissioners (including Chairwoman Allison Macfarlane), members of the NRC staff, other regulators, and key officials at many other plants. 14 years ago NRC began a process of “integrated rulemaking” for decommissioned reactors, but it put that effort on hold when other topics such as new security regulations following the Sept 11th terrorist attacks became much higher priorities. Now that many new reactors are undergoing decommissioning, NRC is dealing with many regulatory issues in a somewhat ad hoc fashion—the right precedents are unclear, the relevant rules are fragmented, and many regulatory issues are being addressed through “exemptions” from existing rules because most NRC rules relate to operational reactors rather than reactors that are undergoing decommissioning. NRC is now looking with fresh eyes at its role in decommissioning.

As a reminder, I attach my testimony—which I circulated to the CEP last week. Among the many points I emphasized was the need for NRC to articulate a clearer decommissioning strategy in plain English. The public needs to understand what NRC is doing and why. On important issues—such as the handling of high burnup fuel, the licensing of new cask designs, and exemptions related to emergency preparedness—the larger process and strategy are unclear to the public. Frankly, I am also concerned about the extensive use of exemptions rather than a more proactive purpose-built regulatory system. It is clear that every plant under going decommissioning—including SONGS—will rely on exemptions in multiple areas. We need to recognize this as a longer term issue that the NRC will need to resolve while also recognizing that the exemption-oriented approach to regulating decommissioning is the only practical route forward for SONGS and other plants that are, right now, in the process of decommissioning.

I look forward to talking with CEP members about what I learned and how we can interact most effectively with the NRC. Below, I indicate several observations from the meeting:

- There seems to be broad agreement that new integrated rulemaking on decommissioning would be useful. But the details of how that rulemaking would unfold remain quite opaque. Also unclear is whether new, general rules are better than individual rules and exemptions tailored to each plant. Most likely, this debate will not have much practical impact for SONGS and

three other plants in the middle of decommissioning because most of the key regulatory decisions on these plants will be made long before any integrated rulemaking process can bear fruit. My impression is that the NRC staff has not made decommissioning rulemaking a priority but that most of the plants would welcome much greater clarity. Chairman Macfarlane stated that she thinks this rulemaking effort is overdue.

- It is widely acknowledged that a community engagement panel is “best practice” in the industry. We stand to learn a lot from Maine Yankee, which has the most extensive experience with this kind of panel. Lots of other plants are looking at what we do at SONGS as a possible model.
- I was surprised to learn that the **Institute of Nuclear Power Operations (INPO)** does not do peer review at decommissioned plants. INPO has been highly effective at getting operating plants to adopt best practices across the industry, but INPO plays essentially no role during decommissioning. I will ask whether there might continue to be some role for INPO in the decommissioning process, although by the time such a program emerges (if at all) we may be already far along the decommissioning process at SONGS. Absent INPO, the strategy being taken at SONGS has been to engage key officials from other plants that are going through decommissioning so that the lessons are socialized across the industry.
- NRC’s guidance on emergency preparedness is becoming much clearer in my mind. As the plant is shut down and decommissioned the risks decline, and that reduces the need for some kinds of emergency preparedness. Our CEP will look at this in more detail later this year.
- There is huge variation in the experiences at plants. At the Kewanee plant in Wisconsin, which is located in a rural area, there is no community engagement panel because the plant owners have a long history of working closely with the community. (Many in the community actually worked at the plant.) By contrast, in Vermont the relationship between the plant owners and the communities (including the governments of the state of Vermont) is much more contentious. In Vermont the community panel is established in a binding state law and has been much slower to convene. One lesson I learn from all this is that we at the SONGS CEP should be sure to document our efforts—what has worked and not, and why—so that others can learn from what we have done and apply those insights within their own local circumstances.