

CALIFORNIA ENERGY COMMISSION

ROBERT B. WEISENMILLER, CHAIR
1516 NINTH STREET, MS 33
SACRAMENTO, CA 95814-5512
(916) 654-5036
FAX (916) 653-9040
www.energy.ca.gov



February 19, 2019

The Honorable Annette Vietti-Cook
Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: U.S. Nuclear Regulatory Commission Transformation Initiative SECY-18-0060: Achieving Modern Risk-Informed Regulation

Dear Secretary Vietti-Cook:

This letter provides the comments of the California State Energy Resources Conservation and Development Commission (Energy Commission) on the above-referenced initiative. The Energy Commission is California's primary energy policy and planning agency, with core functions that include evaluating and proposing mitigation for public health, safety, and environmental impacts of proposed thermal power plants, including nuclear reactors. Since the adoption of California Assembly Bill No. 1632 (Blakeslee, 2006), the Energy Commission has taken the lead role in assessing the local costs, impacts, and policy issues associated with California's active and decommissioning nuclear power plants along the state's seismically vulnerable coastline.¹

I am the Chair of the California Energy Commission and the State's Liaison Officer to the United States Nuclear Regulatory Commission (NRC). As an appointee of former California Governor Edmund G. Brown, Jr., I am the primary contact between California and the NRC. In my role as the Liaison Officer, I provide the NRC with information on matters pertinent to California including the state's radiological health, emergency preparedness, Energy Commission and California Public Utility Commission actions, and state nuclear safety matters.

I appreciate the opportunity to submit comments on this important topic and welcome the dialogue necessary for the development of a comprehensive solution.

California currently hosts two operating power reactors, three power reactor facilities at various stages of decommissioning, and multiple research reactors both operating and in decommissioning. California is a member of the Agreement State Program with greater than 1,700 specific licenses authorizing possession and use of radioactive materials. Consequently, the organizational structure, operations, and focus of the U.S. Nuclear Regulatory Commission (NRC) is of paramount importance to the citizens of California.

I commend the NRC on efforts to improve efficiency through a self-assessment process but I am concerned that the proposed Transformation Initiatives may shift the NRC's focus from what

¹ California Assembly Bill No. 1632 (Blakeslee, 2006). Retrieved from http://leginfo.ca.gov/pub/05-06/bill/asm/ab_1601-1650/ab_1632_bill_20060929_chaptered.html.

I deem as the agency's most critical role: protection of public health, safety, and the environment.² Specifically, the proposed Transformation Initiatives, as currently presented, seem to prioritize innovation and expedience over safety by recommending the revision of regulations and the initiation of rulemaking to enable additional flexibility for licensees to make facility changes without prior NRC approval.³ Moreover, the NRC staff recommendations appear to reduce NRC oversight in critical areas and instead, empower licensees to exercise oversight responsibility on issues deemed "less significant."

The October 29, 2018 Commission meeting on this topic was a missed opportunity to receive feedback from a broader, more representative body of impacted stakeholders. The purpose of inviting stakeholders to public meetings is to adequately represent the interest of all parties, including the affected states. Excluded stakeholders may have recommended expanding these modernization efforts to key security concerns such as nuclear fuel management and radioactive sources, cesium blood irradiators and category 3 materials, while expressing concern over NRC efforts to minimizing oversight of safety regulations. Before taking action on the proposed Initiatives, I strongly recommend that you invite further comment from a broader group of stakeholders.

I appreciate the opportunity to comment on the U.S. Nuclear Regulatory Commission Transformation Initiatives and request that you consider these comments prior to committing to the proposed Initiatives. Please send any future notices, correspondence, and documents related to these comments to Justin Cochran, Ph.D., Senior Nuclear Policy Advisor, California Energy Commission, MS-39, 1516 Ninth Street, Sacramento, CA, 95814-5512, or by e-mail at Justin.Cochran@energy.ca.gov.

Sincerely,



ROBERT B. WEISENMILLER
Chair

cc: Kristine L. Svinicki, NRC Chairman
Jeff Baran, NRC Commissioner
Stephen G. Burns, NRC Commissioner
Annie Caputo, NRC Commissioner
David A. Wright, NRC Commissioner
Drew Bohan, California Energy Commission
Justin Cochran, California Energy Commission

² NRC mission statement, "The NRC licenses and regulates the Nation's civilian use of radioactive materials to provide reasonable assurance of adequate protection of public health and safety and to promote the common defense and security and to protect the environment." Retrieved from <https://www.nrc.gov/about-nrc.html>.

³ SECY-18-0060: Achieving Modern Risk-Informed Regulation, available at <https://www.nrc.gov/docs/ML1811/ML18110A186.html>.

NRCExecSec Resource

From: Cochran, Justin@Energy <Justin.Cochran@energy.ca.gov>
Sent: Monday, February 25, 2019 5:37 PM
To: NRCExecSec Resource
Cc: CHAIRMAN Resource; CMRBARAN Resource; CMRBurns Resource; CMRCaputo Resource; CMRWright Resource; Maier, Bill
Subject: [External_Sender] Letter from Chair Weisenmiller to Secretary of the Commission regarding SECY-18-0060: Achieving Modern Risk-Informed Regulation
Attachments: 02.19.19_Weisenmiller Ltr to Annette Vietti-Cook_NRC re Transformation Initiative.pdf

Honorable Secretary Vietti-Cook:

I have attached a pdf copy of a letter from Robert B. Weisenmiller, Chair of the California Energy Commission and the State's Liaison Officer to the United States Nuclear Regulatory Commission, regarding SECY-18-0060: Achieving Modern Risk-Informed Regulation. A signed letter was mailed to your office on February 19, 2019 but it contained an error.

While formatting the letter, one of our administrative staff changed the heading and directed this item to Docket ID NRC-2015-0070. The letter is intended for the docket pertaining to: U.S. Nuclear Regulatory Commission Transformation Initiative: SECY-18-0060: Achieving Modern Risk-Informed Regulation

I apologize for this formatting mistake. We have mailed a correctly labeled letter. I have included the correct letter as a pdf attachment. If your staff have any questions please let me know.

Thank you for your time and consideration.

Best Regards,

Justin Cochran, Ph.D.
Nuclear Policy Advisor &
Emergency Coordinator
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Office: 916-657-4353
Fax: 916-654-4475
justin.cochran@energy.ca.gov