



May 10, 2023

ADEC Division of Environmental Health
Attn: Rebecca Colvin
555 Cordova St.
Anchorage, AK 99501

Subject: Public Comments on the Alaska Department of Environmental Conservation's Proposed Regulations for Nuclear Facility Siting (18 ACC XX)

Dear Ms. Colvin,

Copper Valley Electric Association (CVEA) appreciates the opportunity to provide comments on the proposed regulations for the siting of microreactors in Alaska. CVEA has been serious considering the use of microreactors in our service territory and has recently completed a feasibility study on this topic.

CVEA supports the comments provided by the Alaska Power Association and Matanuska Electric Association. CVEA has reviewed the above proposed regulations and has the following comments.

General Comments

The proposed regulations include a staggered approach to the permitting process, with requirements for the federal Nuclear Regulatory Commission's (NRC) permitting, Early Sit Permit (ESP), to be completed before the Alaska Department of Environmental Conservation's (ADEC) process. Staggering the process places a significant amount of risk and cost on the applicant as it would require the applicant to repeat permitting steps and put at risk the significant cost to acquire the NRC permit. CVEA requests that the state process run in concert with the federal process to reduce risk and repetition of the same work.

Specific Regulatory Comments

18 AAC XX.100 Pre-application requirements

Under this section, the applicants must provide public notice in various forms of their intent to submit an application at least 120 days prior to submitting the application. Included in this notice is the requirement to identify the landowner of a potential site under 100.(b)(2)(C). This

requirement has the potential to put undue hardship on the landowner and could have significant financial implications on any land purchases. Removal of this requirement to identify the landowner in the notice is recommended.

18 AAC XX.200(b)(2) Application requirements

This section outlines the requirement to include the NRC's ESP as part of the application. As stated above, requiring the applicant to submit the ESP with the permit instead of working through both in parallel places significant risk on the applicant. Revision to this requirement is recommended to allow both federal and state permitting to run in parallel.

18 AAC XX.200(b)(3) Application requirements

"A form supplied by the department" must be filled out under this section. However, the form and any requirements on this form are not specified. Adding an appendix with the form and allowing public comment is recommended.

18 AAC XX.200(b)(4) and (5) Application requirements

These two sections have environmental requirements that are similar to what is required in the NRC's ESP. CVEA recommends allowing the ESP to fulfill these requirements to reduce repetition of work, reduce risk, and expedite the process.

18 AAC XX.200(b)(4)(7) Application requirements

A copy of the deed to the property, lease agreement on the property, or written consent from the property owner for the proposed facility is required under this section. This requirement is burdensome on both the property owner and the applicant. This requirement could compromise the ability to acquire property and develop the proposed facility. Removal of this requirement is recommended.

18 AAC XX.200(b)(8)(C) Application requirements

This section requires the applicant to provide written responses to concerns raised during the pre-application period noted in section 18 AAC XX.100. Section 18 AAC XX.100 does not require the applicant to obtain or respond to comments. Specific requirements for obtaining comments and responding to them should be included in section 18 AAC XX.100.

18 AAC XX.210(a)(7) Preliminary permit decision

This section specifies the items that will be considered in determining the approval or denial of the permit. Item (7) is "long-term stability of the facility". There is no definition for "long-term stability" and without specific criteria for the applicant to meet, it will be difficult to know if the application is complete and accurate. Adding a specific definition for "long-term stability" and specifying what criteria is required to meet the long-term stability definition is recommended.

18 AAC XX.230 Permit issuance

Approvals from municipalities and legislatures are required under this section. Making permit issuance contingent on other state and local governments creates significant risk to the applicant. Removal of this requirement, or the ability to obtain these approvals in parallel with the NRC's

ESP and ADEC's permitting process is recommended. This section also specifies that additional terms and conditions may be included in the permit approval. ADEC should coordinate any additional terms and conditions with federal and local agencies to ensure there are no conflicts between agency requirements.

Thank you for the opportunity to provide comments on this important issue. If you have additional questions or would like to discuss any of these recommendations in more detail, you can reach me at (907) 822-3171.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Million". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Travis Million
Chief Executive Officer