



May 9, 2023

*Submitted online and via email.*

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

Dear Ms. Colvin,

Matanuska Electric Association, Inc. (MEA) 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 would require repeating permitting steps, which would place a significant amount of risk and cost to the applicant when acquiring the NRC permit. MEA recommends the state process run in concert with the federal process to reduce the risk and repetition of that work.

#### Specific Regulatory Comments

18 AAC XX.100 Pre-application requirements:

Under this section, applicants must provide various forms of public notice in their intent to submit an application at least 120 days prior to submission. 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. MEA recommends removal of the requirement to identify the landowner in the notice.

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. MEA recommends a revision of this requirement 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. MEA recommends adding an appendix with the form and allowing public comment.

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. MEA 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. MEA recommends the removal of this requirement.

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. In section 18 AAC XX.100, MEA recommends including specific requirements for obtaining comments and responding to them.

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. MEA recommends adding a specific definition for "long-term stability" and specifying what criteria is required to meet the long-term stability definition.

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. MEA recommends the removal of this requirement, or the ability to obtain these approvals in parallel with the NRC's ESP and ADEC's permitting process. 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) 761-9346 or [edward.jenkin@mea.coop](mailto:edward.jenkin@mea.coop).

Sincerely,



Ed Jenkin  
Chief Operations Officer

cc: Anthony M. Izzo, Chief Executive Officer  
Dawn Baham, Executive Assistant to the CEO