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Regulatory Improvements for Power Reactors Transitioning to Decommissioning

Comment On: NRC-2015-0070-0178

Regulatory Improvements for Power Reactors Transitioning to Decommissioning; Request for Comment on Draft Regulatory Basis

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Submitter Information

Name: Lauren Stewart

Address: United States,

Email: Stewarlj@bc.edu

General Comment

See attached file(s)

Attachments

NRC Comment - Stewart

BEFORE THE
UNITED STATES NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

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In the Matter of)	
)	
Comment on Draft Regulatory Basis)	Docket No. NRC-2015-0070-0178
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Regulatory Improvements for Power)	
Reactors Transitioning to Decommissioning)	
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**COMMENTS OF LAUREN STEWART, STUDENT
BOSTON COLLEGE LAW SCHOOL**

I am pleased to submit these comments in response to the Nuclear Regulatory Commission’s (NRC) proposed rulemaking that would amend NRC’s regulations for the decommissioning of nuclear power reactors. I am currently a first year law student at Boston College Law School, with an interest in development of economically sustainable communities. I support the NRC’s ultimate goal to provide a holistic and efficient decommissioning process through comprehensive regulations as opposed to the current structure where plant licensees apply for numerous regulatory exemptions. However, I propose that the NRC regulations require establishment of Community Advisory Boards. A Community Advisory Board requirement is cost-justified in relation to the effect that decommissioning and nuclear plant closure has upon a local community’s health, safety, and security.

INTRODUCTION

The Nuclear Regulatory Commission issued an advance notice of proposed rulemaking (ANPRM) in the Federal Register on November 19, 2015 to obtain stakeholder feedback on issues addressed in “Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning.”

According to the NRC, the regulatory requirements imposed on decommissioning nuclear reactors, which are largely the same requirements imposed on operating reactors, are not applicable or cost-justified due to the reduced risk that a decommissioning reactor poses to public health and safety. After receiving public feedback from the ANPRM, the NRC staff used that input to develop the draft regulatory basis, “Regulatory Improvements for Power Reactors Transitioning to Decommissioning.” The agency has now determined that additional comment is needed to specifically address how a Community Advisory Board (CAB) requirement might constitute a cost-justified, substantial increase in protection of the public health and safety or the common defense and security. The NRC staff does not believe there is a compelling safety basis to recommend an option for rulemaking that a licensee be required to establish a CAB.

Overall, the regulation amendments are a positive step towards providing an efficient decommissioning process. However, I am concerned about the implications of not affirmatively giving stakeholders and community members a voice in the decommissioning process.

Therefore, I offer the following comments for consideration:

1. The NRC should require establishment of Community Advisory Boards to allow participation of all relevant stakeholders including licensees, state and local governments, and community members.
2. To determine whether a CAB is justified, the NRC should broaden its cost-benefit analysis because solely using “compelling safety basis” as determinative is incomplete.

I. THE NRC SHOULD REQUIRE ESTABLISHMENT OF COMMUNITY ADVISORY BOARDS TO ALLOW PARTICIPATION OF ALL RELEVANT STAKEHOLDERS INCLUDING LICENSEES, STATE AND LOCAL GOVERNMENTS, AND COMMUNITY MEMBERS.

A major shortcoming of the nuclear industry has been a lack of transparency with the general public regarding the risks posed by nuclear energy. This has led to spread of

misinformation and increase in public fear. A Community Advisory Board would enhance open communication, public involvement, and education on the process of the safe removal of a facility from service to long-term reduction of residual radioactivity. Just as the public deserves to be properly educated about the nature and risks of nuclear reactors, reactor licensees need to be accessible to the community and educated about the significant impacts that reactor closure has on host communities. This symbiotic relationship has been shown to enhance safety and encourage public confidence.¹

For many communities that host nuclear plants, the licensee is a predominant economic, environmental, and social force within the area. Thus, when a plant announces its intention to close, stakeholders are faced with a number of significant impacts including the overall cost of decommissioning, shifts in the local economy from loss of employees and tax revenue, changes in emergency planning requirements and support, waste management issues, and concerns over long-term redevelopment of the site.² As these potential impacts are far from trivial, the NRC should require establishment of CABs to allow participation of all relevant stakeholders. While the ANPRM notes that for most decommissioning sites, state and local governments are already involved in some advisory capacity, there is no requirement under the current regulations that any stakeholder be ensured meaningful participation. Thus, requiring CABs is a necessary step toward safeguarding local community engagement and preventing stakeholders from being locked out of the decommissioning process.

At a minimum, a CAB requirement would provide a fixed means of open communication that would facilitate a necessary increase in transparency of regulatory organizations, licensees, and authorities. This would enable stakeholders to hold licensees accountable to answer the

¹ http://www-pub.iaea.org/MTCD/publications/PDF/Pub1276_web.pdf

² http://www-pub.iaea.org/MTCD/Publications/PDF/Pub1341_web.pdf

questions and concerns of the public. The awareness that one's actions are under public scrutiny creates strong incentives for achieving high levels of regulatory compliance and prevents complacency. Accountability to the public could enhance attention to detail, providing better identification of risks and potentially exposing unforeseen problem areas.³ Moreover, the more openly and seriously issues raised by the public are considered, the more public confidence is improved. Ultimately a mandated CAB would increase public confidence while reinforcing a licensee's responsibility to ensure the safety and honesty of their actions.

II. TO DETERMINE WHETHER A CAB IS JUSTIFIED, THE NRC SHOULD BROADEN ITS COST-BENEFIT ANALYSIS BECAUSE SOLELY USING "COMPELLING SAFETY BASIS" AS DETERMINATIVE IS INCOMPLETE.

In the draft regulatory basis, the NRC proposes to decrease levels of emergency preparedness and liability insurance in proportion to the reduction in radiological risk as a reactor is transitioned from operating to decommissioning. In line with these proposed actions, the NRC does not believe there is a sufficient safety basis to require establishment of CABs. However, limiting the justification to merely a "compelling safety basis", fails to take into account the economic, environmental, and social implications that decommissioning has upon a community.

Host communities face economic and environmental risks because it is often unclear when or if spent fuel will be entirely removed from a site. Of the sixteen NRC-licensed power reactors currently decommissioning, thirteen are using the SAFSTOR (safe storage) method. This method keeps the plant intact and placed in protective storage for up to 60 years, allowing the radioactive components to decay over time.⁴ Often at the end of this decontamination process, the Department of Energy has not adequately prepared for nor has the ability to properly

³ http://www-pub.iaea.org/MTCD/Publications/PDF/Pub1341_web.pdf

⁴ <https://www.nrc.gov/docs/ML1501/ML15013A068.pdf>

dispose of the spent fuel. This forces licensees to indefinitely store the fuel on site in stand-alone facilities, ISFSIs, creating what the NRC has termed “legacy sites”.⁵ While the risk of radiological release is reduced at this stage in decommissioning, the fact that there have not yet been any major failures, does not equate to a reality where no accident will occur. At a minimum, the increase in transportation of spent fuel from operating reactors to cooling pools, to dry storage casks, to ISFSIs, increases the risk of accidental mechanical failure that could cause radiological release into the environment. Additionally, there is a risk that licensees will not retain sufficient funds to maintain indefinite on-site storage, potentially shifting that economic liability onto the host community. Therefore, the NRC cannot diminish the potential economic and environmental risks that indefinitely stored spent fuel imposes upon a host community. Ideally, the NRC would enforce the requirement that a site decommission to a level of “unrestricted use” within a proscribed time period. Here, a CAB requirement would enable community members to actively engage in decision making regarding the future use and redevelopment of the site. This would give host communities a greater stake in the process, keeping licensees accountable to fully decommission within set time and cost parameters. Ultimately, CAB answerability could reduce economic, environmental, and social risks and help prevent plants from turning into legacy sites.⁶

Furthermore, the NRC’s proposed amendment to decrease levels of emergency preparedness and liability insurance, in turn shifts those risks to the community. It is this imposition of risk liability on the community that justifies the required establishment of CABs. Additionally, limiting the cost-justification analysis to a “safety basis” fails to consider the impact decommissioning has on the local economy due to job loss and decreased tax revenue.

⁵ <https://www.nrc.gov/reading-rm/doc-collections/fact-sheets/decommissioning.html>

⁶ *Unsiting Nuclear Power Plants: Decommissioning Risks and Their Land Use Context*. Pasqualetti

The Maine Yankee plant created a Decommissioning Community Advisory Panel that the NRC has praised as a model example.⁷ The Maine CAP worked with plant licensees to educate the public, disseminate information, and produce creative solutions to mitigate the economic and social impacts upon the community. For example, the Maine CAP created a job training program for plant employees to promote reintegration into alternative workplaces within the community. While this may not be a financially obtainable option in all cases, it represents the type of innovative and strategic thinking that a CAB brings to the decommissioning process.

Due to the above considerations, limiting determination of whether a CAB is cost-justified to a “compelling safety basis” is incomplete. Therefore, I strongly recommend that the NRC take into account the economic, environmental, and social impacts that decommissioning has upon a community and require establishment of Community Advisory Boards.

Respectfully submitted,

28 April 2017

Lauren Stewart
Boston College Law School
885 Centre Street
Newton, MA 02459

⁷ <http://www.maineyankee.com/public/cap%20final.pdf>