

**From:** [klineisfine@aol.com](mailto:klineisfine@aol.com)  
**To:** [RulemakingComments Resource](#)  
**Subject:** [External\_Sender] Docket # NRC-2015-0070 Regulatory Improvements for Facilities Transitioning to Decommissioning  
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Comment On:

Docket # NRC-2015-0070 Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning (FRN 3/3/22)

Comment From:

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Thank you for the opportunity to comment on this Proposed Rule.

There are clearly differences between operating and decommissioning/decommissioned reactors, and there may be justification for the NRC to clarify language, reduce redundancy, and consider the applicability of certain regulations to non-operating reactors. **HOWEVER**, the fact remains that every reactor is located on potable or environmentally sensitive water, and may be on earthquake and erosion-prone sites that were unsuitable for reactors in the first place and were never intended as permanent highly radioactive waste storage dumps.

As usual, in this Proposed Decommissioning Rule, the NRC prioritizes the financial well being, convenience, and disburdenment of the for-profit nuclear industry it is required to regulate over the public health and safety it is required to protect. **This Proposed Rule must be withdrawn and revised to assure affected stakeholder input and engagement that emphasizes public health, safety and environmental protection throughout the entire decommissioning process and even beyond.**

NRC language is always replete with reasonable assurance and achievability and low risk probability assessment. **The past 40 years have clearly demonstrated the occurrence of supposedly low probability severe nuclear and non-nuclear accidents and disasters. What were the chances of TMI, Chernobyl, Fukushima, the weaponization of the "peaceful" atom at Zaporizhzhya, the Challenger explosion, the Bhopal pesticide leak, the 9/11 terrorist attack to name a few?**

The NRC proposes to modify, reduce or eliminate fuel handler training; reporting frequency; decommissioning options, i.e. safstor and entombment; emergency planning (which is already being reduced at operating reactors); physical and cyber security; record retention, the lack of which has already proven detrimental for national labs harvesting parts and components etc. Regular NRC inspections, oversight, and reporting on decommissioning activities must be required and strengthened rather than weakened.

**Of particular concern is weakening industry financial responsibility.** Secure, dedicated funding must be guaranteed for the entire decommissioning process, and these funds must not be allowed to be used for other purposes. Holtec, whose financial stability, among other issues, is questionable has admitted that decommissioning at Palisades will have to be "paused" for 10 years due to insufficient funds. This should not be permitted at any reactor.

NRC postulates reasonable assurance that there will not be a SFP drain down, that zirconium cladding either will not ignite or that there will be a 10 hour window before release of fission products etc. etc. Instead of preparing for the worst, NRC's motto is to hope and pray for the best. Better to be safe than sorry with the world's most dangerous, unforgiving energy source.

Further, the SFP is highly vulnerable to terrorist attack given that it is not under containment. Unless and until ALL fuel, even that in dry storage, is removed from a reactor site, the site remains a potential terrorist target. At a recent public NRC meeting on high burnup fuel, the NRC acknowledged the unique "storage" issues involved with damaged fuel and the fact that no fuel has ever been transferred from dry storage back to a SFP or from one dry storage canister/cask to another.

**Public Input:** The Proposed Rule does not provide for public input/hearings/engagement on post-operational licensing decisions and abdicates far too much NRC and licensee accountability and responsibility for post-operational decommissioning, emergency planning, and security necessary to protect public health, safety, and the environment.

This lack of accountability will, as noted above, potentially continue ad infinitum as 90+ reactors cease to operate and become perpetual waste "storage" installations because there is no permanent repository.

**Atomic Energy Act compliance:** The proposed rule violates the Atomic Energy Act and the decision by the U.S. Court of Appeals for the First Circuit in Citizens Awareness Network v. NRC, 59 F.3d 284 (1st Cir. 1995) (“CAN v. NRC”) by failing to provide for NRC licensing approval and public hearing opportunities for post-operational decisions on decommissioning, emergency planning, and security.

The NRC must require reactor licensees to submit rigorous dismantling and decommissioning plans (not the cost-cutting, hurried, underfunded D&D we’ve seen lately from companies like Holtec) and provide an opportunity for state and local governments and the public to request a hearing(s) on the safety and environmental adequacy of the plans.

**Emergency Planning:** Of particular concern in the Proposed Rule are changes to delegate emergency planning and response to FEMA and local governments. After fuel has been in the spent fuel pool for a mere 10 months, “The rule would eliminate the requirements for dedicated radiological offsite emergency planning, emergency planning zones (EPZs), and public alert and notification systems” which raises serious public safety issues. Neither FEMA nor local responders are prepared to handle radiological emergencies, and the responsibility for this must remain with the industry licensee and the NRC. Furthermore, the Emergency Response Data System should continue to be required until all spent fuel is removed from the reactor site.

**Environment:** The proposed changes undermine environmental protections. They drop the requirement for an environmental impact review until after the process is completed and weaken the environmental information in the Post-Shut Down Decommissioning Activities Report. A site-specific NEPA review of the process should occur early in the decommissioning process and should provide opportunities for local stakeholders to be informed and involved by offering the interested public an opportunity for a hearing(s).