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To: [RulemakingComments Resource](#)
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RE: Regulatory Improvements for Production and Utilization Facilities Transitioning to
Decommissioning
NRC-2015-0070-0229
August 30, 2022
Please accept these comments by Diane Turco, Director
Cape Downwinders



Comments submitted by Diane Turco, Director of Cape Downwinders, a Cape Cod, MA grassroots citizens organization protecting our communities and environment from the dangers presented by decommissioning and inadequate storage of high level nuclear waste at the Holtec International Pilgrim Nuclear Power Station in Plymouth, MA, now undergoing decommissioning. These comments are regarding the Nuclear Regulatory Commission **Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning**

Docket No. **NRC-2015-0070**
Submitted 30 August 2022

A previous statement on the NRC Draft Regulatory Basis for Decommissioning was filed regarding rules change to the NRC on March 18, 2016 on behalf of Cape Downwinders when the Pilgrim Nuclear Power Station in Plymouth, MA was still in operation. [FRN:80fr72358/

NRC-2015-0070/comment #119]

Currently with Holtec International decommissioning the reactor and site, we have learned valuable lessons.

1. There is no accountability to public concerns.
2. Holtec makes decisions based on economics and profit.
3. After-the-fact regulation is no regulation at all.
4. The public remains at serious risk due to lack of security, oversight, input.
5. The Decommissioning Trust Fund is being depleted of monies not associated with its original intent.
6. The EPA does not enforce the NPDES permit, putting the environment at risk.
7. The NRC fails to address safety issues concerning dry cask storage.
8. These rules changes only codify the changes the nuclear industry has been seeking.
9. The NRC must listen to the public and act on their recommendations.

As your primary obligation, the Nuclear Regulatory Commission must uphold its mission statement, "Protecting the People and the Environment". Therefore, these proposed decommissioning rules changes must not be advanced. The recommended rules changes ONLY benefit the nuclear industry which, as we all know, is just protecting its own pocketbook. The current draft rules must be withdrawn and revised to strengthen and empower local community and state engagement. The NRC must take responsibility for ensuring that public safety and environmental protection are prioritized throughout the full decommissioning process by including stakeholder recommendations into the final rules.

1 of 3

Public input: Public input should not be limited. Here in Plymouth, Holtec bought Pilgrim from Entergy for a minimal amount of about \$1,000. Holtec then inherited the \$1.2 billion Decommissioning Trust Fund which is ratepayer monies. Yet there are no public hearings or public input into how those funds are used. The NRC has also given Holtec exemptions to use the funds for other purposes not related to decommissioning. In fact, leaving out public input gives incentive to Holtec to go the cheap and dirty route for decommissioning that minimizes safety and maximizes profit. With the new proposed rules, the NRC abdicates its responsibility for oversight and the nuclear industry, including Holtec, will not be held accountable.

Holtec also came to town promising “openness and transparency”. Yet recommendations and public concerns are dismissed. Last November, Holtec announced plans to dump over a million gallons of radioactive water into Cape Cod Bay in violation of the Ocean Sanctuary Act and the Settlement Agreement with the state. The public, our federal and state elected officials, the fishing and tourist industries, indigenous communities, real estate professionals, environmental groups, and all the communities surrounding Cape Cod Bay have opposed Holtec’s plan. We appealed to the NRC for help. The NRC rejected our request to enforce 10CFR 20.1301(f) which could restrict the amount of radionuclides in the effluent to zero. Even the Environmental Protection Agency informed Holtec that they could not discharge spent fuel pool water into our bay. Holtec dismissed their attempt to enforce regulations. As of today, Holtec still includes dumping into our bay as their primary method of disposing of radioactive water. The public currently has no effective recourse for how our communities can protect themselves from industry malfeasance.

The NRC should require reactor licensees to formulate dismantlement and decommissioning plans and submit to NRC for licensing approval. There must also be opportunity for state and local governments and interested members of the public to have a hearing on the adequacy of the plans to satisfy NRC safety and environmental requirements. More importantly, these measures are required under law by the Atomic Energy Act, under *CAN v. NRC*.

Emergency Planning: To reduce emergency planning to the fence at ISFIS’s is negligent, irresponsible, and immoral. The NRC has ignored the dangerous implications of high level nuclear waste stored in neighborhoods near population centers without real security. After fuel has been in the spent fuel pool for 10 months, “the rule would eliminate the requirements for dedicated radiological offsite emergency planning, emergency planning zones (EPZs), and public alert and notification systems” as if there was no risk at all. The current situation in Ukraine clearly illustrates how a nuclear site can be used as weapon of war. In fact, dry casks loaded with high level nuclear waste are essentially pre-deployed nuclear weapons. Yet this rule would basically ignore the reality of the existential threat inherent in substandard nuclear waste storage with minimal security and lack of emergency plans. Massachusetts now uses plans that were developed for weather related events or the “All Hazards” plan. These plans would fail in radiological emergencies, causing panic and widespread disordered

evacuation. This raises serious issues for public safety. Neither FEMA nor local responders are prepared to handle radiological emergencies, and the responsibility for this rightly belongs to the industry with input from local communities and strong NRC oversight. Likewise, the Emergency Response Data System should continue to be required until all spent fuel is removed from the reactor site.

Environment: Environmental protection needs to be upgraded, not reduced. The proposed rules 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 and input, with appropriate protections for the fairness of the hearing process. Public concerns should be included in the final rules.

Time limits: The period of time in which a site is required to be cleaned up should be reduced from 60 years to as soon as possible, with due consideration for worker and public health and safety and environmental justice. The NRC must not abdicate its responsibility to review and approve irradiated fuel management programs. This proposed change sacrifices public and environmental safety in favor of the interests of the nuclear industry. Rather, regular NRC inspections, oversight, and reporting on decommissioning activities should be required and open to the public for review.

Accountability: The proposed changes weaken the financial responsibility of the industry, which should be required to have secure funding for the full process when a nuclear power plant stops producing energy, and these funds must not be allowed to be used for other purposes.

Ensuring the safety of the public and the environment must be prioritized throughout the entire decommissioning process. The NRC must do more, not less, to exercise oversight and hold the industry accountable throughout the process. The current proposed rules weaken the authority of the NRC and make health and safety of people and environment subordinate to the reduction of regulations on the industry. This is unacceptable. The rules must be revised. The Commission should take this opportunity to correct its course and come into compliance with the court's decision in *CAN v. NRC* by effectively restoring the regulatory framework of the 1988 Decommissioning Rule.

Cape Downwinders also support Commissioner Baran and his objections to these rules changes. Public concerns and issues related to protecting our communities over industry economics must be the primary consideration of the NRC.
Respectfully submitted.

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3 of 3