PUBLIC SUBMISSION

As of: 9/13/22, 9:30 AM
Received: August 29, 2022
Status: Pending_Post
Tracking No. l7e-u85z-3t2v
Comments Due: August 30, 2022
Submission Type: Web

Docket: NRC-2015-0070
Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning

Comment On: NRC-2015-0070-0229
Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning

Document: NRC-2015-0070-DRAFT-2234
Comment on FR Doc # 2022-03131

Submitter Information

Email: jim@decommissioningcollaborative.org
Organization: The Nucler Decommissioning Collaborative

General Comment

Attached please find rulemaking comments from The Nuclear Decommissioning Collaborative.

Attachments

Decommissioning Rulemaking Comments - The Nuclear Decommissioning Collaborative August 29 2022

August 29, 2022

Brooke P. Clark, Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff

Electronic Submission Re: Comments on the U.S. Nuclear Regulatory Commission's (NRC) Proposed Amendments to Decommissioning of Production and Utilization Facilities Regulations

Dear Secretary Clark,

The Nuclear Decommissioning Collaborative seeks to improve socioeconomic outcomes for host communities in the wake of nuclear power plant closure and decommissioning. The Collaborative is the nation's only non-profit organization focusing solely on this matter and we have worked across the county with dozens of host communities to improve local economic resiliency.

1. Preamble

A typical nuclear plant annually contributes at least $400M of gross regional product (GRP) and accounts for the direct employment of up to 2,000 workers (employees and contractors).[1] As nuclear power plants are often located in rural areas, this concentrated and sizeable number of jobs tends to magnify the plant's local economic development contribution. In addition, nuclear plant workers are highly skilled with commensurate wages that often outpace regional pay scales. For instance, employees at the Pilgrim Nuclear Power Station earned an average salary of $100,000 per year: 50% higher than the average annual salary for the host state of Massachusetts.[2]

In this context, the socioeconomic impacts to host communities resulting from plant closure are swift, severe and lasting. Many highly skilled workers and their families relocate, procurement of local goods and services is significantly reduced, tax payments to local towns plummets and housing values erode. These impacts occur at every nuclear power plant, but the effects are felt more deeply in rural communities where most plants are located. To that end, the following comments suggest a series of federal regulatory enhancements that will better position host communities to plan for and realize post-closure economic resiliency while also improving decommissioning project outcomes for utilities.

[1] Brattle Group, (2018). *Impacts of Announced Nuclear Retirements in Ohio and Pennsylvania*; D. Murphy and M. Berkman.
[2] Cooper, J.C., (2014). *The Pilgrim Nuclear Power Station Study a Socio-Economic Analysis and Closure Transition Guide Book*, University of Massachusetts Amherst.

2. Formally Include Consideration of Socioeconomic Impacts Resulting from Plant Closure

Decommissioning is defined by the NRC as, ". . . the safe removal of a facility from service and reduction of residual radioactivity to a level that permits termination of the NRC license."[3] With respect to these regulations, the socioeconomic impacts of plant closure are not presently a concern of the NRC.

This distinction is specifically illustrated in the 2002 Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, Supplement 1 (GEIS).[4] The GEIS does acknowledge impacts of closure, specifically mentioning, "…impacts to the following public services occur as a result of plant closure: transportation, public safety, social services, public utilities, and tourism and recreation." However, the GEIS closes the door on consideration of these impacts: "Impacts related to the decision to permanently cease operations **are outside the scope of this Supplement."** [emphasis added]

In pragmatic terms, the local socioeconomic ramifications of losing an annual GRP in excess of $400M (from the permanent cessation of operations) far outweigh impacts from decommissioning. Continuing to ignore these closure-related impacts serves to perpetuate a long-standing economic injustice forced on a host community by plant closure. Accordingly, we recommend that NRC revise the GEIS to allow for the specific inclusion of impacts related to plant closure. By adopting this recommendation, the NRC will more fully represent the total impact of the closing and decommissioning of a nuclear power plant thereby allowing for a more accurate analysis of these impacts in regulatory filings such as those under the jurisdiction of the National Environmental Policy Act.

a. Additional Discussion Regarding Staff Requirements – Secy-18-0055 – Proposed Rule: Regulatory Improvements for Production And Utilization Facilities Transitioning To Decommissioning (RIN 3150-AJ59)

Further to the issue of the GEIS and socioeconomic impacts, the above-referenced Staff Requirements Memorandum directs NRC staff to: "…update NUREG-0586, Supplement 1, Volumes 1 and 2, "Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities: Regarding the Decommissioning of Nuclear Power Reactors" (Decommissioning GEIS), to reflect current decommissioning practices and lessons learned from previous reviews. The staff should provide specific guidance for resource areas that cannot be generically resolved in the Decommissioning GEIS and will therefore need to be addressed by individual licensees before commencement of decommissioning."

Please report on the status of this update to NUREG-0586 as directed to staff by the Commission.

---

[3] Domestic Licensing of Production and Utilization Facilities, 10 C.F.R. § 50.2.

[4] 32 NRC, (2002). *NUREG-0586, Supplement 1 Volume 1, Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, Supplement 1 Regarding the Decommissioning of Nuclear Power Reactors, Main Report, Appendices A through M Final Report.*

Furthermore, given that the one major purpose of an EIS under NEPA is to guide agency decision-making on a proposed action, it would seem logical that an update to NUREG-0658 would be needed prior to this rulemaking being placed into effect. In addition, and based on Item 2 above, any update to NUREG-0568 should explicitly include the analysis of socioeconomic impacts resulting from nuclear power plant closure.

3. Accelerate Decommissioning Timeframes

According to *10 CFR § 50.82 Termination of license (a) (3)*, "Decommissioning will be completed within 60 years of permanent cessation of operations." In essence this clause gives the licensee NRC's permission to prevent a valuable industrial parcel (the plant site) from contributing to local economic development for up to six decades. This economic injustice (manifest as the opportunity cost of underutilized land) further hinders a host community's ability to mitigate the significant impacts of plant closure.

To remedy this injustice, it is recommended that NRC revise *10 CFR § 50.82 Termination of license (a) (3)* to require that decommissioning be completed within 10 years from the permanent cessation of operations. This accelerated schedule will allow former plant sites to be returned to productive re-use in a timeframe that provides a meaningful opportunity for a host community to mitigate post-closure impacts. With respect to a licensee's ability to achieve this 10-year schedule requirement, as can be seen by the current performance of plant decommissioning contractors, this ten-year timeframe is well within industry capabilities.

4. Provide Host Communities Limited Access to Nuclear Decommissioning Trust to Support Post-Closure Economic Development

The lack of funds to facilitate economic development planning is a major obstacle to host community revitalization. As such, there is increased attention being paid to the potential for a portion of a plant's Nuclear Decommissioning Trust (NDT) to be used for economic development purposes. As the majority of NDTs were funded by ratepayers, these same ratepayers view NDTs as a justifiable source of funds for economic development planning, in much the same way as the licensee is allowed to use 3% of the NDT for decommissioning planning.

It is therefore recommended that NRC revise its regulations to allow for local community access to NDT funds, capped at 2% of the NDT's total value. These funds would be provided to a qualifying community-based not-for-profit entity or state authority and be used to plan for, and implement, post-closure economic resiliency initiatives. Such funds would be made available starting 5 years before scheduled license termination or on the date that the licensee has notified the NRC of its intent to permanently cease operations, whichever is earlier.

There is no doubt that this recommendation may meet resistance with claims that allocating 2% of the NDT to host communities will somehow impair the integrity of the decommissioning process. Respectfully, these claims are misplaced. NDTs are experiencing healthy market returns with these funds realizing an average 10.5% increase in 2020.[5] Accordingly, a 2% allocation from the NDT, made 5 years before closure, represents an impact to the licensee's ability to complete decommissioning that may best be described as *de minimis*. However, from a host community perspective, access to 2% of the NDT provides substantial and much-needed resources to plan for a positive and resilient post-closure future for its community members.

On behalf of The Nuclear Decommissioning Collaborative, and in the interests of bolstering the economic future of host communities across the country, I thank you for your consideration of these suggestions.

Sincerely,

James A. Hamilton, P.E.
Executive Director

[5] Callan Institute (2021), *2021 Nuclear Decommissioning Funding Study*, San Francisco