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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

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General Comment

I have grave concerns that the Proposed Decommissioning Rule weakens the safety provisions in the decommissioning process for both citizens and the environment.

NRC's decommissioning regulations put far too much authority in the hands of the profit-driven nuclear industry. The NRC is charged with protecting public health and the environment. The current draft of the rules must be withdrawn and revised to strengthen local community and state engagement, and the NRC must take responsibility for ensuring that public safety and environmental protection are prioritized throughout the full decommissioning process.

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 should require reactor licensees to formulate dismantlement and decommissioning plans and submit them to NRC for licensing approval, with an opportunity for state and local governments and interested members of the public to request a hearing on the adequacy of the plans to satisfy NRC safety and environmental requirements. More importantly, these measures are required by the Atomic Energy Act, under CAN v. NRC.