

# RESPONSIBLE – ACCOUNTABLE – TRANSPARENT – DEMOCRATIC

## Overview Of CAN-NIRS Comments

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Decommissioning Rule Webinar  
February 15, 2016



*– For a Nuclear-Free, Carbon-Free World –*

# NIRS and CAN Plans

## Coalition Comment Letter

- Distribute for Review this Week
- Send Feedback by March 1
- Goal: 50 Organizations by March 18

## Outreach to States

- Governors, Attorneys General, Local Officials

## Public Comment Petition

***PLEASE JOIN US!***

# Where is NRC Headed?

## Long-Term Deregulation Trend

## ANPR Focus on Fuel Pool Risks

- NRC not Concerned with Cleanup

## Recent Exemptions

- Use of Decom Funds for Non-Decom Expenses
- Emergency Preparedness

## Industry Economic Pressures

- Closures, Shortfalls, Liabilities

## Line of Questioning in ANPR

- Fitness for Duty, Staff Qualifications, PSDAR Review, etc.

# 1. Require Full Decom Funds

## Decommissioning Funding Crisis Undermines Safety

- Reactors Closing without Adequate Decom Funds
- Licensees Exploit SAFSTOR to Avoid Compliance
- Deferring Cleanup for Decades

## Easily Fixed: Require Full Decom Funds by Time of Closure

- Require Full Decom Funding when Reactor Closes
- Do Not Permit SAFSTOR to Make Up for Inadequate Planning

## **2. No Use of Decom Funds for Non-Decom Expenses**

### **Trust Funds Only for Radiological Decom**

- NOT High-Level Waste Storage
- NOT Emergency Planning
- NOT Property Taxes
- NOT Lobbying

### **NRC Exemptions Compromise Decom Funding**

### **Permits Profiteering from Decom Funds**

- HLW Settlements Cover 80% of Costs
- NRC Does Not Require Licensees to Reimburse Trust Fund

# 3. Restore NEPA Compliance

**Reclassify Decom as a Major Federal Action**

**Requires Meaningful Oversight**

**EPA Involvement Needed**

- EPA Role Limited to Groundwater Contamination
- Significant Chemical Contamination at Reactor Sites

# 4. Restore Public Hearing Rights and Democratic Safeguards

**Decom Must be Accountable to Communities, States**

**NRC Rule Changes Afford No Meaningful Public Involvement**

- Only One Public Meeting (PSDAR)

**Full Hearing Rights Needed**

- Cross Examination
- Discovery

# 5. Require Full Decom Plans

**PSDAR = Figure-It-Out-As-We-Go**

## **Decommissioning Highly Site-Specific**

- Reactor Design, Modifications
- Operational History and Contamination
- Geological and Hydrological Features

## **Detailed Site Surveys and Planning Required**

- Worker Safety and Radiation Exposure
- Radiological Controls and Community Safety
- Site Remediation and Pollution Controls
- Financial Planning and Cost Management



# 6. Place Restrictions on SAFSTOR and DECON

## Choice of Decom Options not Neutral

- DECON = Radiation Risk to Workers, Community
- SAFSTOR = Contamination Spread, Site Abandonment Risk

## Decom Method Selection Must be Justified

- Community Protection over Financial Concerns

## Use of SAFSTOR Must be Limited, Conditional

- Term of SAFSTOR Minimized/Optimized
- Begin Decom at Earliest Possible Date

# 7. Create a 4<sup>th</sup> Decom Option

## Model Option Needed

- Guide Licensees in Decom Planning
- Help States, Communities Evaluate Decom Plans

## Balance Short- and Long-Term Safety, Cost

## Rancho Seco Example

- Decom Fund Shortfall at Closure Date (1989)
- Limited Use of SAFSTOR
- Several Years of Careful Planning
- Retained ~50% of the Workforce
- Decom Completed in ~20 years (2009)

## Planned Decom and Site Remediation (PDSR)

# 8. Establish Site-Specific Advisory Boards

**Affected Communities Have a Right to Be Informed, Involved**

**Community Advisory Boards Provide a Model**

- Regular, Open Meetings
- Forum for Q&A with Licensee, Regulators
- Weakness: No Real Authority

**Formalize Site-Specific Decom Advisory Boards**

- Stakeholder Representation: Tribal, Local and State Governments, Public Interest Organizations, Reactor Workers
- Access to Information, Licensee and NRC Staff
- Resources to Hire Technical Consultants

# 9. Allow States to Regulate Decom

## Decom Outcomes Affect States Directly

- Delays Affect Communities, Tax Base
- Failures Require State Intervention
- Fund Shortfalls Cost Taxpayers, Ratepayers

## NRC Certifies States to Regulate Radioactive Materials

- Agreement States Program Provides Mechanism
- States Regulate Chemical Pollution

## Safety Issues Reserved to NRC

- ANPR Affirms Nuclear Safety Concerns Minimal
- HLW Waste Management

# 10. Require Inspections and Oversight

## Currently No Basis for Oversight or Enforcement

- No Decom Plans
- No Resident Inspectors, Assigned Staff, or Inspections

## Dedicated Inspection Staff Needed

- Report to Community Advisory Board
- NRC Institutional Knowledge of the Decom Project
- Creates Atmosphere of Accountability

## Regular Inspection Schedules

- Programmatic Oversight and Performance Evaluation
- Unannounced Inspections Possible

# 11. Increase Decom License Fees

## **NRC License Fees Send the Wrong Message**

- Decom License Fees = less than 5% of Operating Reactor Fees
- 2015: \$223,000/yr. vs. \$5,030,000/yr.

## **NRC Must Have Resources for Decom Oversight**

## **Conflict of Interest for NRC**

- Enforcing Regulations Undermines Job Security at NRC

## **NRC Must Adapt to Industry Changes**

- Agency Funding Crisis Looms with Reactor Closures

# Summary of Recommendations

1. **Require Full Decom Funding Upon Closure**
2. **Bar Exemptions for Decom Fund Expenses**
3. **Restore NEPA Compliance**
4. **Restore Public Hearing Rights and Safeguards**
5. **Require Decommissioning Plans**
6. **Regulate Use of SAFSTOR and DECON**
7. **Create 4<sup>th</sup> Decom Option**
8. **Establish Site-Specific Advisory Boards**
9. **Permit State Oversight of Decom**
10. **Mandate NRC Inspections and Oversight**
11. **Increase License Fees for Decom Reactors**

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