



**BLUEGREEN
ALLIANCE**



U.S. Nuclear Regulatory Commission
Washington, DC
20555-0001
ATTN: Rulemakings and Adjudication Staff

August 30, 2022

Response to U.S. Nuclear Regulatory Commission proposed rule: Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning
Docket No. NRC-2015-0070

Dear Commissioners,

On behalf of the BlueGreen Alliance (BGA), a coalition of labor unions and environmental organizations collectively representing millions of members and supporters, the Utility Workers of Union of America, AFL-CIO, and the Natural Resources Defense Council, we thank the U.S. Nuclear Regulatory Commission (NRC) for considering the impacts and process of decommissioning currently operating nuclear reactors across the United States. Nuclear power is a significant source of low-carbon electricity in the United States and currently supports a robust workforce with comparatively high union density. Across the entire nuclear workforce, approximately 17% of workers are represented by a union. These facilities are also often a significant source of tax revenue in these communities, supporting spending on local schools, infrastructure, and other community needs. The implications raised by decommissioning these reactors—and therefore the issues considered in this rulemaking—are complex and significant. This proposed rule is critical to ensuring that the decommissioning process and any updated rules support the workers and communities associated with these facilities and safeguard the environment. In particular, the following comments encourage the retention of a trained workforce, high-road labor and safety standards, and robust engagement with local communities throughout the decommissioning process.

This rulemaking is acutely important to the protection of public health and safety and the environment. The matter involves the potential relaxation of several safety requirements that previously were addressed in plant-specific license amendment and extension proceedings. This rulemaking is an opportunity for the NRC to issue standard practice and process for all decommissioning licensees, instead of a licensee-specific approach.

Considering all of these implications, BGA, UWUA, and NRDC recommends the NRC include provisions in the final rule that address the following areas:

Workforce Retention & High-Road Labor Standards:

The proposed rule is noticeably lacking any reference to the workforce that will remain at the facility to aid in the decommissioning process. These workers possess first-hand knowledge of how these facilities operate, are highly trained, and understand the safety and environmental standards in place. The NRC should require new standards that appropriately retain the workforce of the facility to provide the technical expertise needed for the decommissioning process. There should be a continuity of work and uninterrupted employment for these highly trained union workers.

In addition, the proposed rule allows for a licensee to seek an alternative certified fuel handling program from the NRC—which would eliminate an existing requirement that the licensee seek approval from the commission, including a lack of enforcement of a “shift technical advisor.” This addition would create an alternative in which the licensee would still need a certified fuel handler program, but would not require that that program be approved by the Commission. The proposed rule states that the standards for safe handling of storage and spent fuel are the same as an operational plant, but without the requirement for a “shift technical advisor.” This provision will create inconsistencies across the country for the workforce and safety practices associated with decommissioning. The NRC should ensure that all facilities going through the decommissioning process have a certified shift technical advisor that not only is trained in the handling of spent fuel, but is retained from the incumbent workforce. Any work done on site should be subject to robust high-road labor and worker health and safety standards.

Economic Impact and Workforce Planning:

In addition to retaining existing workers at nuclear facilities, the NRC should require licensees to submit an economic impact analysis of their decommissioning plans that aims to minimize local economic hardship due to the decommissioning process. This should include identifying worker retention and transition strategies as well as costs for site remediation and redevelopment. The NRC should require strict financial planning for licensees that do not pass the costs to the taxpayer through entities like the Federal Emergency Management Agency (FEMA) or to local communities.

Community Engagement:

The proposed rule does not include new standards for engagement with local communities, allowing more deference to the licensees and potentially excluding communities from the decommissioning process. This provision has implications for the long-term health and economic wellbeing of workers and communities. Further, without new community engagement provisions, the licensee can proceed with a decommissioning plan that does not take into account local concerns. The NRC should ensure that facilities moving forward with decommissioning submit community engagement plans in which licensees create opportunities for public comment, public forums, long-term financial plans, stable employment, and environmental review plans that factor in local community needs.

Environmental Safety:

Under the proposed rule, a licensee can proceed with a decommissioning plan that allows for the ability to self-report and certify their environmental reviews. This provision allows licensees to conduct reviews without any oversight or scrutiny from the NRC. This self-certification of environmental standards could lead to increased environmental hazards and longer decommissioning timelines, most likely paid for by the host community. The NRC should reverse its proposal to allow self-reporting and certification of environmental reviews, and instead enact a standardized review subject to the approval of the NRC.

Timeline for Decommissioning:

Under current decommissioning rules, a licensee must submit a notice of the intention to decommission a facility. Once a licensee has sent a final notice of closure, the facility may adopt one of three decommissioning options. While the decommissioning notice may include a timeline for completion, the current rule allows for up to 60 years after the facility ceases operation to complete the decommissioning process. This is unacceptable and poses increased risk to the health and safety of communities and the environment. It also forgoes an opportunity to extend the existing workforce into the decommissioning phase of work— which would maintain a level of consistency not only for the workers, but for the local economy.

The NRC should require a timeline for decommissioning that ensures a timely and efficient process and ensures continuity of employment. The NRC should require decommissioning plans that will restore the site as expeditiously and as safely as possible. A timely process for decommissioning is beneficial for the health and safety of the communities in which plants are located, for workers who rely on stable employment, for the environment, and for repurposing the site for future economic uses.

Furthermore, the proposed rule simply requires licensees to submit a post-shutdown decommissioning activities report (PSDAR), and only requires that the NRC acknowledge receipt of that plan. This is insufficient. This will do little, if anything, to protect public health and safety and ignores the NRC's role in protecting workers, communities, and

the environment. The NRC should receive, review, and approve detailed decommissioning plans before decommissioning work can begin.

Conclusion:

The proposed rule for decommissioning nuclear reactors is a once-in-a-generation opportunity for the NRC to establish standards that protect workers and communities across the country. By ensuring the retention of qualified, highly trained workers; supporting high-road labor standards in the decommissioning process; and, requiring community engagement and financial plans, this rule has the potential to set the standard for responsible decommissioning. We encourage the NRC to implement the recommendations above and protect workers and communities alike.

Thank you,

Utility Workers Union of America, AFL-CIO
Natural Resources Defense Council
BlueGreen Alliance