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**NUCLEAR REGULATORY COMMISSION**

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING TO DISCUSS THE PROPOSED RULEMAKING  
ON "REGULATORY IMPROVEMENTS FOR PRODUCTION AND  
UTILIZATION FACILITIES TRANSITIONING TO  
DECOMMISSIONING"

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MONDAY

MAY 9, 2022

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The meeting convened at the Hotel 1620  
Plymouth Harbor, 180 Water St, Plymouth,  
Massachusetts, and by video teleconference at 6:00  
p.m. Eastern Time, Brett Klukan and Sarah Lopas,  
Facilitators, presiding.

NRC STAFF PRESENT

BRETT KLUKAN, Facilitator

SARAH LOPAS, Facilitator

JAMES ANDERSON

KRISTINA BANOVAC

HOWARD BENOWITZ

ILKA BERRIOS

BRIDGET CURRAN

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1 MARLAYNA DOELL  
2 DAN DOYLE  
3 RICHARD DRILL  
4 DUANE HARDESTY  
5 MAI HENDERSON  
6 PATRICIA HOLAHAN  
7 STACEY IMBODEN  
8 ERIC LEE  
9 ANGELLA LOVE BLAIR  
10 JANE MARSHALL  
11 FRED MILLER  
12 EDWARD O'DONNELL  
13 LEAH PARKS  
14 MAURIN SCHEETZ  
15 DIANE SCRENCI  
16 JILL SHEPHERD  
17 TODD SMITH  
18 AMY SNYDER  
19 SOLY SOTO LUGO  
20 RICHARD TURTIL  
21 BRUCE WATSON  
22 TRENT WERTZ  
23 CAROLYN WOLF  
24 BRIAN ZALESKI  
25

1        ALSO PRESENT  
2        LARRY CAMPER  
3        JIM CANTWELL  
4        HENRIETTA CONSTANTINO  
5        BENJAMIN CRONIN  
6        CHRISTINE DANIELSON  
7        LESLIE DANIELSON  
8        ELAINE DICKINSON  
9        PAUL GUNTER  
10       MICHAEL JACKMAN  
11       JOANNE KORGAN  
12       JAMES LAMPERT  
13       MARY LAMPERT  
14       ROSEMARY SHIELDS  
15       OLIVIA TEIXEIRA  
16       DIANE TURCO  
17       PATRICIA WATSON

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C-O-N-T-E-N-T-S

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P-R-O-C-E-E-D-I-N-G-S

6:00 p.m.

1  
2  
3 MR. KLUKAN: Welcome, everyone. My name  
4 is Brett Klukan. Normally, I serve as the regional  
5 counsel for Region I of the U.S. Nuclear Regulatory  
6 Commission, or the NRC; however, tonight I'll be  
7 acting as the in-person facilitator for this meeting.  
8 In that task, I will be assisted by Sarah Lopas, who  
9 will be virtually facilitating via Microsoft Teams.  
10 Hence, this meeting will have a hybrid format, and  
11 I'll explain more about that as part of my  
12 introduction. Next slide, please.

13 But, first, a little bit about the purpose  
14 of the meeting. So we are here tonight to provide  
15 information to you to inform you on the comment  
16 process for the proposed decommissioning rule and  
17 draft regulatory guidance. We will be going through  
18 the various ways that you can participate in the  
19 commenting process, as part of the NRC's presentation.

20 Meeting attendees, whether in-person or  
21 participating virtually, will have an opportunity to  
22 ask questions of the NRC staff. However, as discussed  
23 specifically in the meeting notice, the NRC is not  
24 actively soliciting comments regarding the proposed  
25 decommissioning rule, nor any other regulatory

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1 decision, at this meeting this evening.

2 Again, the NRC staff will discuss tonight  
3 the different ways in which you can formally submit  
4 comments on the proposed rule. Next slide, please.

5 So a little bit about the agenda. After I  
6 finish quickly going through logistics we'll have some  
7 opening remarks, and then we'll have our NRC  
8 presentation which will include details on background,  
9 status, an overview of the proposed rule, tips for  
10 preparing comments, and next steps. I will then open  
11 the floor up to your questions. Next slide, please.

12 So a couple of logistics. Please note  
13 that tonight's meeting is being recorded and  
14 transcribed. We ask that you help us get a full,  
15 clear recording of the meeting by staying on mute if  
16 you are on the phone or on Teams when you are not  
17 speaking.

18 Please keep your electronic devices  
19 silent, for those of you who are in the room, and side  
20 discussions to a minimum. Also, it would help us  
21 greatly if speakers could identify themselves, whether  
22 in person or on the phone, and along with any group  
23 affiliation if you so choose, when they first start  
24 speaking.

25 All the meeting attendees tonight who are

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1 participating virtually will have their microphones  
2 muted and their cameras disabled during the  
3 presentation. When we get to the question and answer  
4 portion of the meeting those of you on Teams can use  
5 the raise-hand function. It looks like a little hand  
6 up in the -- usually it's in the top-right corner of  
7 your screen. By hitting that it lets us know -- raise  
8 your hand, quote/unquote -- it lets us know that you  
9 would like to ask a question during the meeting.

10 Those of you on the phone, to do that, hit  
11 star-five. Again, that is star-five, when we get to  
12 the question and answer portion of the meeting.

13 Once our team facilitator, Sarah, enables  
14 your microphone, you will then, if you're  
15 participating via the phone or via Teams, have to  
16 unmute yourself before you can start speaking.

17 For those of you participating on the  
18 phone, to unmute yourself, you hit star-six. And I  
19 will go through this again after the NRC's  
20 presentation, but it's going to prepare you. Hit  
21 star-five to raise your hand, and then star-six to  
22 unmute yourself.

23 Again, for those of you attending in  
24 person, if you'd like to speak during the question and  
25 answer portion of the meeting, I would ask that you

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1 please indicate on the registration sheet, which is in  
2 the corner of the room by Diane who's standing there.

3 For the sake of simplicity tonight, the  
4 order of speakers during the question and answer  
5 session will be determined on the first come, first  
6 serve basis, going back and forth, or alternating back  
7 and forth between in person participants and virtual  
8 participants.

9 Please also note as well, for those of you  
10 participating via Teams, that the chat function has  
11 been disabled.

12 If you have any trouble seeing the slides  
13 tonight, or you're participating via phone and you  
14 don't already have these available to you, the slides  
15 that we will be presenting during the presentation can  
16 be found in NRC's ADAMS Library at ML number,  
17 ML22129A004, again, that's ML22129A004. You can also  
18 go to the NRC's public meeting notice page and there's  
19 a link there to the slides.

20 If you'd like to give something to the  
21 NRC's and paneled staff here, I would ask that you  
22 please set it on the side table.

23 And one last item before I turn it over to  
24 the NRC staff, I'm hoping that you will fill out your  
25 public meeting feedback form, you can find a link to

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1 the public meeting feedback form on the NRC's public  
2 meeting schedule page for this meeting. Your opinion  
3 for how this meeting went will help -- greatly help us  
4 improve the conduct of future hybrid meetings, so  
5 please take a moment to let us know what you think.

6 Finally, for those of you in the room with  
7 us today, the bathrooms are just down the hall, and  
8 emergency exits are just right behind you. So with  
9 that, slide five, please.

10 And I will now turn it over to Trish  
11 Holahan, the special assistant to the Division of  
12 Rulemaking Environmental and Financial Support and the  
13 NRC Office of Nuclear Material Safety and Safeguards.

14 Trish?

15 MS. HOLAHAN: Thanks, Brett. Can you hear  
16 me? Okay. Thanks, Brett. As Brett said, I'm Trish  
17 Holahan, I'm the special assistant to the NRC's  
18 Division of Rulemaking Environmental and Financial  
19 Support.

20 With me at the table today is Dan Doyle,  
21 the rulemaking PM. Also Howard Benowitz, NRC  
22 attorney, will be presenting information on the rule  
23 as well. Dan and Howard will be giving an overview of  
24 what is in the rule package.

25 Also there are a number of other people in

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1 attendance, either via Teams or in person. Our Public  
2 Affairs Office, Diane Screnci, in the back, is in the  
3 room so I'd like any media to know that she's there.

4 I'd like -- okay. I want to thank you for  
5 joining us today to talk about NRC's decommissioning  
6 rulemaking, the NRC's goal for this rulemaking are to  
7 maintain a safe, effective, and efficient  
8 decommissioning process, incorporate lessons learned  
9 from the decommissioning process and support the NRC's  
10 principles of good regulation, including openness,  
11 clarity, and reliability.

12 The proposed rule would implement specific  
13 regulatory requirements for different phases of the  
14 decommissioning process, consistent with the reduced  
15 risk that occurs over time while continuing to  
16 maintain safety and security.

17 The proposed rule would incorporate  
18 lessons learned from plants that have recently  
19 transitioned to decommissioning, and improve the  
20 effectiveness and efficiency of the regulatory  
21 framework while protecting public health and safety.

22 Public comment has twice played an  
23 important role in the development of this proposed  
24 rule, first of all when we published an advanced  
25 notice of proposed rulemaking, and later with a draft

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1 regulatory basis. We took all those comments into  
2 consideration when we developed the proposed rule.

3 We're seeking public input on the proposed  
4 rule to influence regulations that will guide future  
5 nuclear power plant decommissioning, and the rule  
6 addresses several regulatory areas which you will hear  
7 about in more detail from Dan and Howard as they go  
8 through the rule.

9 We hope today's meeting will help you  
10 better understand the proposed rule, we look forward  
11 to your feedback and questions today. But please note  
12 that the NRC will not be responding in writing to any  
13 verbal comments from today's meeting, so comments must  
14 be submitted in writing through the methods described  
15 in the Federal Register Notice to receive formal  
16 consideration in the rulemaking.

17 This is the sixth public meeting on the  
18 proposed rule and this is technically the last public  
19 meeting we'll have, but Dan will talk about the  
20 extension of the comment period. Thank you very much.

21 Dan?

22 MR. DOYLE: All right, thank you very  
23 much. Good evening. My name is Dan Doyle, I'm the  
24 senior project manager for this rulemaking about  
25 decommissioning nuclear reactors.

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1           If you attended any of our previous  
2 meetings please note that the first half of this  
3 meeting, the NRC staff presentation is going to be the  
4 same material, we're going to give a high level  
5 overview of what's in the rulemaking, and then we'll  
6 open it up for question and answer for the rest of the  
7 time.

8           And then one final note before we move  
9 ahead on the meeting platform itself, those attending  
10 online, we are using Microsoft Teams for the meeting  
11 today and underneath the slides you should see arrows  
12 to be able to move forward and backward. Just wanted  
13 to point out that that only affects your view, so if  
14 you wanted to move ahead or back to look at anything  
15 you are welcome to do that, that doesn't affect anyone  
16 else and you should also be able to click the links on  
17 the screen there if you wanted to open up any of the  
18 documents.

19           For any of the people here in person, I'll  
20 be showing a website that has information about the  
21 rulemaking, including the slides here today, that has  
22 links to all of the documents. All right, next slide,  
23 please.

24           All right. So I'll be providing a  
25 background and status of the rulemaking. So a very

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1 brief overview about why the NRC started this  
2 rulemaking, there was a increase in nuclear power  
3 plant shutdowns, this lead the NRC to focus its  
4 attention on some changes that we believe needed to be  
5 made to improve the efficiency and effectiveness of  
6 the transition for nuclear power plants to the  
7 decommissioning process.

8 We initiated the rulemaking in December of  
9 2015 to explore changes related to that process. As  
10 Trish mentioned we've already completed some extensive  
11 public outreach, we solicited early comments on an  
12 advanced notice of proposed rulemaking, we also issued  
13 what we call a regulatory basis document, we had  
14 public comment periods on both of those and also  
15 public meetings. Information about both of those  
16 outreach efforts is available on the public website  
17 that I'll be showing later.

18 So the recent update and the reason that  
19 we're having this meeting today is because we  
20 published the proposed rule in the Federal Register on  
21 March 3, 2022, the citation is 87 FR 12254.

22 So we are in the public comment period  
23 right now, the NRC received a request to extend the  
24 comment period from 75 days to 180 days, we will be  
25 granting that request so the new deadline for public

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1 comments will be August 30, 2022.

2 And the Federal Register notice about this  
3 extension should be published within the next week, so  
4 if you look at it right now it, I believe, would still  
5 say that the deadline is May 17 but we are extending  
6 that to August 30. Next slide, please.

7 For convenience we have two slides that  
8 list all the key documents associated with this  
9 proposed rule, with links to access them directly. So  
10 in the first slide here we have, again, that citation  
11 for the proposed rule with links to the web version  
12 and the printed version, and then the supporting and  
13 related materials.

14 We have a draft regulatory analysis which  
15 discusses the cost and benefits that we've identified  
16 associated with this action, a draft environmental  
17 assessment for compliance with the National  
18 Environmental Policy Act, draft supporting statements  
19 for information collections for compliance with the  
20 Paperwork Reduction Act.

21 We have an additional document, the  
22 Unofficial Redline Rule Text, so I will talk about  
23 that after we get through the topic slides. But  
24 basically that document, the Unofficial Redline Rule  
25 Text, shows how the proposed rule would modify the

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1 current rule language in a redline strikeout format,  
2 meaning, this text would be deleted, this text would  
3 be inserted. So you can see that in context.

4 Hopefully the title makes it clear that  
5 it's unofficial, it's not the official legal version  
6 of the rule language, the official version is what's  
7 published in the Federal Register, but it may be  
8 helpful for your understanding of the changes that  
9 we're making. But please don't rely just on that  
10 document, if there is a difference or discrepancy,  
11 then what's published in the Federal Register is the  
12 official version. Next slide.

13 We're also updating four guidance  
14 documents as part of this rulemaking, so they are  
15 available for public comment as well, they're listed  
16 here on the slide.

17 The first one is a new regulatory guide  
18 and the other three are updates to existing regulatory  
19 guides, so the first one, Draft Guide-1346 is related  
20 to emergency planning for decommissioning nuclear  
21 power plants.

22 The second one, Draft Guide-1347 would be  
23 an update to Reg Guide 1.184, Decommissioning Nuclear  
24 Power Plants.

25 The third one, Draft Guide-1348 is an

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1 update to Reg Guide 1.159, Availability of Funds for  
2 Decommissioning Production Utilization Facilities.

3 And the last one, Draft Guide-1349 would  
4 be an update to Reg Guide 1.185, Standard Format and  
5 Content for a Post-Shutdown Decommissioning Activities  
6 Report.

7 So these four documents are also out for  
8 public comment now, if you have comments on the rule  
9 and the guidance please submit that all together in  
10 the same document. It's all going to the same place,  
11 you don't need to submit separate comment submissions  
12 on the rule and the guidance, just please go ahead and  
13 submit it all together. Next slide, please.

14 So for this part of the meeting we will be  
15 giving an overview of the proposed rule, so we'll  
16 start with a general discussion of the graded approach  
17 concept that we'll be mentioning throughout the  
18 presentation, and how that's been applied to several  
19 technical areas related to decommissioning.

20 And the rest of the slides are going to  
21 give an overview of each of the 16 technical topics,  
22 technical areas or technical topics in the proposed  
23 rule.

24 And then I would also like to point out  
25 that I'm the Rulemaking Project Manager, I'm serving

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1 as a spokesman for the rule today, but we have a great  
2 team of NRC staff who are the subject matter experts  
3 on each of these topics. And many of them are on the  
4 line here or in the room, and will be available to  
5 support as needed when we get to the question and  
6 answer session. Next slide, please.

7 Okay, sorry for the small text but I'll  
8 just try to highlight some of the important points  
9 here, this slide is trying to convey this graded  
10 approach concept that we are taking in this proposed  
11 rule, where different levels of requirements apply at  
12 different stages of the decommissioning process.

13 So across the top of the table are the  
14 four levels that are used in the proposed rule as a  
15 facility goes through the decommissioning process,  
16 level one begins after the facility docket the two  
17 required certifications. One is for permanent  
18 cessation of operations and the other is that the fuel  
19 has been removed from the reactor vessel.

20 Level two is, after a period of sufficient  
21 decay of the spent fuel, which would be, generically,  
22 10 months for a boiling water reactor or 16 months for  
23 a pressurized water reactor, if they meet the criteria  
24 that we've listed in the proposed rule.

25 And then level three would be, once all

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1 the fuel has been moved into dry cask storage. And  
2 then level four would be when all of the fuel is off-  
3 site.

4 The rows in this table show the topic  
5 areas that have updated requirements, linked to these  
6 levels. Emergency preparedness, as we will explain,  
7 would use all four of the levels, starting with the  
8 post-shutdown emergency plan at level one through  
9 level four where there's no longer a need for an on-  
10 site radiological emergency response plan because all  
11 fuel is off-site.

12 The other topic areas that use the graded  
13 approach, which we'll discuss in a little more detail  
14 as we go through the slides, include physical  
15 security, cyber security, and on-site, off-site  
16 insurance. Next slide, please.

17 So this is the first of the 16 topic  
18 slides, for each of these topic slides you'll see a  
19 summary of the proposed changes. The box in the upper  
20 right identifies the section in the proposed rule  
21 where we have a more detailed discussion of the topic,  
22 as well as the page numbers.

23 We've also listed all of the sections in  
24 the Code of Federal Regulations, or CFR, that would be  
25 changed. And where it says, specific request for

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1 comments, on each of the slides we'll point out if the  
2 NRC has included a specific question that we were  
3 asking the public to consider to provide feedback on,  
4 related to that topic.

5 Below that we have additional information,  
6 if there's anything else we wanted to point out to  
7 bring to your attention. And at the very bottom we  
8 just have a progress bar showing which topic we're on,  
9 and the topics that are coming up, or were recently  
10 completed.

11 All right, so, moving on with this topic,  
12 Emergency Preparedness, because the current  
13 regulations don't provide a means to distinguish  
14 between the EP requirements that apply to an operating  
15 reactor and those that apply to a reactor that has  
16 permanently ceased operations, decommissioning  
17 licensees have historically requested exemptions from  
18 EP requirements, the proposed rule would provide  
19 common EP requirements for reactors in  
20 decommissioning, eliminating the need for specific  
21 exemptions or license amendments.

22 Because the decreased risk of off-site  
23 radiological release and the fewer types of possible  
24 accidents that can occur at a decommissioning reactor,  
25 the proposed EP requirements align with that reduction

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1 in risk while maintaining safety.

2 So, the changes we are proposing here,  
3 we're proposing to add a new section to the  
4 regulations, it would be in 10 CFR 50.200, that would  
5 provide planning standards and requirements for post-  
6 shutdown and permanently de-fueled emergency plans.

7 The proposed standards and requirements  
8 for emergency plans are consistent with the level of  
9 planning that the Commission has previously approved  
10 for decommissioned facilities.

11 The proposed planning requirements also  
12 ensure close coordination and training with off-site  
13 response organizations is maintained throughout the  
14 decommissioning process.

15 The NRC is also proposing to amend 10 CFR  
16 50.54(q) to provide licensees with the option to use  
17 the tiered requirements and standards at the  
18 appropriate time in decommissioning, and to add a new  
19 process by which licensees can make changes to the  
20 emergency plans to transition between these levels.

21 We do have two specific questions that we  
22 were asking for input on, the first one is, we're  
23 asking stake holders to identify what they see as the  
24 advantages and disadvantages of requiring dedicated  
25 radiological emergency planning, including a 10 mile

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1 emergency planning zone, until all spent fuel at a  
2 site is removed from the spent fuel pool and placed in  
3 dry cask storage. Is there additional information  
4 that the NRC should consider in evaluating whether  
5 all-hazards planning would as effective as a dedicated  
6 radiological emergency planning.

7 The NRC has determined that 10 hours would  
8 be a sufficient amount of time for an emergency  
9 response to a spent fuel pool accident, based on an  
10 all-hazards plan. Is there additional information  
11 that the NRC should consider in evaluating this issue?

12 The second specific question is related to  
13 emergency response data systems, so nuclear power  
14 facilities that are shutdown permanently or  
15 indefinitely are currently not required to maintain  
16 these systems, they transmit near-real time electronic  
17 data between the licensee's on-site computer system  
18 and the NRC operation center. Licensees in level one  
19 would maintain a capability to provide meteorological,  
20 radiological, and spent fuel pool data to the NRC  
21 within a reasonable time frame following an event.

22 What are the advantages and disadvantages  
23 of requiring nuclear power plant licensees to maintain  
24 those aspects of the emergency response data system  
25 until all spent fuel is removed from the pool?

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1           And we do have, as I mentioned, updated  
2 draft guidance document, Draft Guide-1346, that would  
3 provide guidance to implement the requirements in the  
4 proposed rule.

5           The NRC staff believes that these changes  
6 will establish EP requirements commensurate with the  
7 reduction in radiological risk as licensees proceed  
8 through the decommissioning process while  
9 continuing to provide reasonable assurance that  
10 protective actions can and will be taken, and  
11 maintaining EP is a final, independent layer of  
12 defense-in-depth. Next slide, please.

13           I will be alternating, as Trish mentioned,  
14 with Howard Benowitz for some of these topics, so the  
15 next topic is backfit rule. Howard?

16           MR. BENOWITZ: Thanks, Dan. Good evening,  
17 everyone. I'm Howard Benowitz with the NRC's Office  
18 of the General Counsel, and on slide 14 we're looking  
19 at proposed changes to the NRC's backfit rule.

20           The backfit rule for nuclear power  
21 reactors is found in section 50.109 of the NRC's  
22 regulations. In general, a backfit occurs when the  
23 NRC takes an action, such as issuing a new regulation,  
24 that changes an existing license or other approval.  
25 The backfit rule requires the NRC to justify such an

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1 action using criteria provided in Section 50.109.

2 The decommissioning proposed rule would  
3 provide a new backfitting provision for nuclear power  
4 reactor licensees and decommissioning, the proposed  
5 rule would re-number the paragraphs of Section 50.109.

6 So Paragraph (a) would be the current backfit rule  
7 for operating nuclear power reactors, and then a new  
8 Paragraph (b) would be the new rule text for  
9 decommissioning nuclear power reactor licensees.

10 The NRC is also proposing edits to the  
11 backfitting provision in Part 72 of our regulations,  
12 so that that provision would apply during the  
13 decommissioning of a monitored retrievable storage  
14 facility or an independent spent fuel storage  
15 installation, also known as an ISFSI.

16 The proposed rule would also revise a  
17 requirement that the NRC must consider the cost of  
18 imposing a backfit if the basis for the backfit is,  
19 what is known as the compliance exception, to the  
20 requirement to perform a backfit analysis.

21 The default justification for backfitting  
22 is a backfit analysis but there are some exceptions,  
23 and one of them is when the backfit would be necessary  
24 for compliance with a requirement.

25 This proposed change is based on a 2019

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1 update to the Commission's backfitting policy in  
2 Management Directive 8.4, that is a NRC system of  
3 policies called Management Directives, and 8.4 is  
4 Management Directive 8 and then Section 8.4, which you  
5 can find on the NRC's public website.

6 And in the Federal Register notice for the  
7 proposed rule we do ask a question, or request  
8 specific comment, on whether the backfit rule should  
9 be applied to power reactor licensees that are in  
10 decommissioning. And with that, I turn it back to Dan  
11 for the next slide, please.

12 MR. DOYLE: Okay, slide 15, we are making  
13 some changes related to environmental reviews for  
14 decommissioning reactors.

15 The proposed rule clarifies environmental  
16 reporting requirements in the Post-Shutdown  
17 Decommissioning Activities Report, or PSDAR, where  
18 licensees are required to evaluate the environmental  
19 impacts from site-specific decommissioning activities  
20 and provide the basis for why the impacts would be  
21 bounded or not bounded by the impacts analyzed in  
22 previous environmental reviews.

23 The NRC Commissioners provided direction  
24 in their staff requirements memorandum, regarding the  
25 consideration of any identified unbounded impacts.

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1           The proposed rule changes would allow  
2 licensees to incorporate impact analyses from  
3 previously issued federal environmental review  
4 documents in demonstrating compliance with  
5 environmental justice, the Endangered Species Act, the  
6 National Historic Preservation Act, and other  
7 environmental statute requirements or seek appropriate  
8 regulatory approval prior to conducting the  
9 decommissioning activity.

10           The proposed rule would also remove  
11 regulatory language authorizing certain  
12 decommissioning activities in 10 CFR Part 51 for power  
13 reactors.

14           In developing the proposed rule, the NRC  
15 considered and dismissed a proposal to approve the  
16 licensee's Post-Shutdown Decommissioning Activities  
17 Report before allowing major decommissioning  
18 activities to begin, the proposal was dismissed by the  
19 NRC on the basis that requiring approval of a PSDAR  
20 would have no additional public health and safety  
21 benefit.

22           However, in accordance with the  
23 Commission's direction to the staff, the NRC is  
24 including a specific request for comment on whether  
25 the NRC should approve the PSDAR, conduct a site-

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1 specific environmental review of planned  
2 decommissioning activities, and have a hearing prior  
3 to allowing any decommissioning activities to begin.

4 Other than the review and approval of the  
5 PSDAR, are there other proposals that could help the  
6 NRC improve public trust and increase transparency in  
7 the agency's decommissioning regulatory framework.

8 Also, should the NRC provide a specific  
9 role for state local governments in the NRC's  
10 decommissioning process, and if so, what should that  
11 role be? So this is one of our specific requests for  
12 comment related to this topic -- or, I'm sorry, those  
13 are the specific requests.

14 And then also, as noted, we are updating  
15 two of our guidance documents, the two draft guides  
16 that are listed, related to preparation of a Post-  
17 Shutdown Decommissioning Activities Report consistent  
18 with proposed rule changes.

19 We are also preparing to update the  
20 Generic Environmental Impact Statement for  
21 decommissioning nuclear power reactors, that's known  
22 as the decommissioning GEIS. That update is being  
23 conducted separate from this rulemaking, but we did  
24 want to point that out because that was included in  
25 the staff requirements memorandum, but it's not part

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1 of the proposed rule. Next slide, please. Back to  
2 Howard.

3 MR. BENOWITZ: Yes, thanks. On slide 16,  
4 the proposed rule would clarify that the license  
5 termination requirements in Sections 50.82 and 52.110  
6 only apply to nuclear power reactor licensees that  
7 have loaded fuel into their reactors consistent with  
8 historical NRC practice.

9 These license termination provisions are  
10 written for reactors that have commenced operation,  
11 and the NRC has historically viewed operation as  
12 beginning with the loading of fuel into a reactor, and  
13 this is discussed in the proposed rule Federal  
14 Register notice.

15 The NRC is proposing these changes because  
16 some confusion arose a few years ago about whether  
17 Section 52.110 was applicable when certain, combined  
18 license holders sought to terminate their licenses  
19 during construction or even before construction began  
20 for their particular reactors.

21 The NRC informed these licensees that  
22 Section 52.110 did not apply, for reasons that are  
23 also documented in the proposed rule Federal Register  
24 notice.

25 We do not ask any specific request for

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1 comments on this particular issue, but we do request  
2 that you take a look at what we're proposing here and,  
3 if you have any comments, please submit them. Next  
4 slide, please.

5 MR. DOYLE: Decommissioning funding  
6 assurance, for this topic we have two slides. So,  
7 the summary of changes on this topic, the proposed  
8 rule modifies the biennial decommissioning trust  
9 fund reporting frequency for operating reactors,  
10 which is located in 10 CFR 50.75 to be consistent  
11 with the three year reporting frequency for  
12 independent spent fuel storage installations, or  
13 ISFSIs.

14 We're making two changes related to  
15 ISFSI funding reports. One is that it would allow  
16 licensees to combine the reports require by the  
17 regulations listed on the slide. The other related  
18 change is that the proposed rule would remove the  
19 requirement for NRC approval of the report filed  
20 under 10 CFR 72.30(c). The proposed rule would  
21 clarify that when a licensee identifies a shortfall  
22 in the report, the licensee must obtain additional  
23 financial assurance to cover the shortfall, and  
24 discuss that information in the next report.

25 And then the final item displayed here,

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1 is the proposed rule would make administrative  
2 changes to ensure consistency with 10 CFR 50.4,  
3 written communications regarding the submission of  
4 notifications, and to eliminate a redundancy in the  
5 regulations.

6 Next slide please. We do have several  
7 requests for comment, suggested questions to  
8 consider on this topic. Financial assurance, what  
9 are the advantages and disadvantages of updating  
10 the formula to reflect recent data and to cover all  
11 estimated radiological decommission costs, rather  
12 than the bulk of the costs?

13 For site specific cost analysis, the  
14 question is what are the advantages and  
15 disadvantages of requiring a full site  
16 investigation and characterization at the time of  
17 shutdown and of eliminating the formula and  
18 requiring a site specific cost estimate during  
19 operations.

20 The third one, decommissioning trust  
21 funds. Should the NRC's regulations allow  
22 decommissioning trust fund assets to be used for  
23 spent fuel management if there's a projected  
24 surplus in the fund based on a comparison of the  
25 expected costs identified in the site specific cost

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1 estimate, and the assets are returned to the fund  
2 within an established period of time?

3 What are the advantages and  
4 disadvantages of allowing decommissioning trust  
5 fund assets to be used for those purposes? What  
6 are the advantages and disadvantages of allowing  
7 decommissioning trust fund assets for non-  
8 radiological site restoration prior to the  
9 completion of radiological decommissioning?

10 Regarding the timing of decommissioning  
11 trust fund assurance reporting, what are the  
12 advantages and disadvantages of extending the  
13 reporting frequency from two years to three years?

14 Does this change affect the risk of insufficient  
15 decommissioning funding? And the final one,  
16 identical requirements under 10 CFR 50.82, and  
17 52.110.

18 We are proposing conforming changes  
19 between those two regulations, the questions I  
20 asking whether the NRC should maintain identical  
21 requirements in those two regulations. Excuse me?

22 Well, the numbers are 10 CFR 50.82, and 52.110.  
23 I'm sorry, there was a question from the crowd,  
24 what are the regulations? There's a lot more  
25 that's in there, we could pull it up, or I could

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1 point it to you. Or I could get someone to provide  
2 more of a summary. There are regulations related  
3 to termination of a license, or a reactor license  
4 under 10 CFR Part 50 and 10 CFR Part 52.

5 Okay, and we do also have proposing  
6 conforming changes to Reg Guide 1.159, assuring the  
7 availability of funds for decommissioning  
8 production and utilization facilities.

9 Next slide, please. Okay, this one is  
10 also me. Onsite and offsite financial protections,  
11 requirements, and indemnity agreements. The  
12 changes on this topic would provide regulatory  
13 certainty by minimizing the need for licensees of  
14 decommissioned reactors to request regulatory  
15 exemptions for relief from requirements that should  
16 apply only to operating reactor licensees.

17 There are two specific questions on  
18 this topic. The first one is what are the  
19 advantages and disadvantages of requiring the  
20 existing level of insurance to be maintained until  
21 all spent fuel is in dry cask storage? Which would  
22 be level three. And then we also have a question  
23 related to insurance for specific license ISFSIs.

24 The NRC recognizes that as a reactor  
25 site is decommissioned, eventually all that remains

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1 of the site is a general license ISFSI under 10 CFR  
2 Part 72, which is essentially the same as a  
3 specific license ISFSI under that same regulation.

4 So, general, and specific license. Considering  
5 that specific license ISFSIs have no financial  
6 protection requirements, should the NRC address  
7 this disparity between specific license and general  
8 license ISFSIs as part of this rulemaking?

9 Please provide an explanation. Next  
10 topic, slide 20, Howard.

11 MR. BENOWITZ: Thanks Dan. This slide,  
12 slide 20 concerns a provision we have in the NRC's  
13 regulations regarding foreign ownership, control,  
14 or domination. It's section 50.38 of our  
15 regulations, and it prohibits a foreign owned,  
16 controlled, or dominated entity from applying for  
17 and obtaining a license for a facility that is  
18 licensed under Part 50 or Part 52 of our  
19 regulations.

20 The Atomic Energy Act and the NRC's  
21 regulations provide definitions for utilization  
22 facility and production facility. Additionally,  
23 some of the provisions of the Atomic Energy Act in  
24 our regulations, such as the foreign ownership,  
25 control, or domination prohibition apply only to a

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1 utilization facility or a production facility.

2 This comes into play in decommissioning  
3 because during decommissioning activities, a  
4 utilization facility or a production facility will  
5 be dismantled to the point at which it no longer  
6 meets the definition of a utilization facility or  
7 production facility. The proposed rule adds  
8 language to establish the criteria for when exactly  
9 a utilization facility or a production facility is  
10 no longer a utilization facility or a production  
11 facility due to the dismantling process.

12 The proposed rule also adds language to  
13 affirm that despite this change in the physical  
14 nature of the facility, the NRC continues to have  
15 statutory authority over the existing Part 50, or  
16 Part 52 license. And that the NRC regulations  
17 applicable to utilization or production facilities  
18 would continue to apply to the holder of that Part  
19 50 or Part 52 license unless the regulations  
20 explicitly state otherwise.

21 One of those provisions would be the  
22 foreign ownership, control, or domination  
23 provision. The proposed rule would amend that, the  
24 prohibition in section 50.38, to state that it  
25 would no longer apply once the Part 50 or Part 52

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1 facility has been dismantled such that it no longer  
2 is a utilization, or a production facility.

3 Therefore the NRC's regulations would  
4 not prohibit the transfer of the Part 50 or Part 52  
5 license for a facility that is no longer a  
6 utilization facility, or a production facility to a  
7 foreign owned, controlled, or dominated entity. We  
8 did not have any specific request for comment on  
9 these proposed changes. However, please review  
10 them and submit any comments that you might have.  
11 Thank you. Next slide please.

12 MR. DOYLE: Okay, physical security.  
13 As I mentioned, there are 16 topics, and appreciate  
14 you hanging with us to go through these. We're  
15 trying to provide a summary, but I understand you  
16 may need to read in more detail. It's hard to  
17 digest all this. But we did want to include it,  
18 and kind of walk through what's in the slides.

19 And again, we're happy to take  
20 questions. So, I have the next three, we are  
21 making some changes to physical security. The  
22 proposed rule would allow certain changes to  
23 eliminate licensee requests for approvals via  
24 exemptions amendments and certain adjustments to  
25 their physical security programs.

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1           Current security requirements do not  
2 reflect the reduced risk for a decommissioning  
3 facility after fuel is removed from the reactor  
4 vessel. When the fuel is transferred to a spent  
5 fuel pool, the amount of plant equipment that's  
6 relied upon for the safe operation of the facility  
7 is significantly reduced, which allows for certain  
8 security measures to be eliminated because their  
9 implementation is no longer needed.

10           Or the security measures can be  
11 adjusted for the physical protection program during  
12 decommissioning. Because certain security measures  
13 can be adjusted, or are no longer necessary for  
14 decommissioning, commonly requested exemptions and  
15 amendments have been submitted by licensees to  
16 address this new posture.

17           For example, the control room is  
18 specifically identified in the current regulations  
19 as an area that must be protected as a vital area.

20           The proposed rule proposes to eliminate the need  
21 to identify the control room as a vital area when  
22 all vital equipment is removed from the control  
23 room and when the area does not act as a vital area  
24 boundary for other vital areas.

25           Also, current security regulations for

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1 a power reactor licensee require the use of a  
2 licensed senior operator for the suspension of  
3 security measures during emergencies. For  
4 permanently shut down and defueled reactors,  
5 licensed senior operators are no longer required.  
6 The proposed rule would allow certified fuel  
7 handlers to be used to suspend security measures  
8 during emergencies at a decommissioned facility.

9 And lastly, to eliminate the need for  
10 submission of license amendment and exemptions for  
11 licensee transitions to an ISFSI, the NRC is  
12 proposing that once all spent fuel has been placed  
13 into dry cask storage, licensees may elect to  
14 protect the general license ISFSI in accordance  
15 with the physical security requirements that are  
16 consistent with Part 72, subpart H, and 10 CFR  
17 73.51. Licensees would continue to address the  
18 applicable security related orders associated with  
19 an ISFSI that are conditions of the license. Next  
20 slide please.

21 We are making some changes for cyber  
22 security. So consistent with that graded approach,  
23 that table that we had back at the beginning.

24 The proposed rule would continue to  
25 apply the cyber security requirements to

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1 decommissioned plants through level one until the  
2 risk of -- I'm sorry, level two -- the risk of  
3 public health, and safety is significantly reduced.

4 Specifically the cyber security requirement would  
5 be applicable until the fuel is permanently removed  
6 from the reactor vessel to the spent fuel pool and  
7 after the period of sufficient cooling.

8 Under the proposed rule, power reactor  
9 licensees under both Part 50 or Part 52 have two  
10 ways of licensing power reactors. Licensees under  
11 either of those ways would be subject to the same  
12 requirement. So, what that would mean for a Part  
13 50 licensee, is that the proposed rule would remove  
14 a license condition that currently exists that  
15 requires licensees to maintain the cyber security  
16 plan because that requirement would be in the rule.

17 And for Part 52 combined license  
18 holders, the proposed rule would extend the  
19 requirement to maintain a cyber security plan  
20 during decommissioning, which would be a new  
21 requirement compared to how the requirements are  
22 today. So, this rule would make them more  
23 consistent.

24 For currently operating or recently  
25 shutdown Part 50 reactor licensees, because the

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1 cyber security plan is included as a license  
2 condition, the license condition to maintain the  
3 program per cyber security plans remains in effect  
4 until the termination of the license or the NRC  
5 removes the condition from the license.

6 So, the proposed rule, this requirement  
7 would not constitute back fitting, because it would  
8 codify what's already imposed requirements during  
9 level one of decommissioning until the spent fuel  
10 has cooled sufficiently. So, this is not the case  
11 for the Part 52 combined license holders, so the  
12 proposed rule would be considered a new requirement  
13 for that time period.

14 Because operational programs, such as  
15 the security program that include cyber security  
16 program are requirements in the regulations, and  
17 are not separately identified as license conditions  
18 as they are for Part 50 licensees. So, presently  
19 the combined license holders are required to  
20 maintain a cyber security program only as long as  
21 regulation 10 CFR 73.54 is applicable to them.

22 So, that means that combined license  
23 holders are not required to maintain their programs  
24 during decommissioning because the power reactor  
25 licensee is not authorized to operate the reactor

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1 during decommissioning. We do have a specific  
2 request for comment on this topic. So, the  
3 proposed rule would apply the cyber security  
4 requirements to level one plants.

5           Okay, I'm sorry, I misspoke a minute  
6 ago. It would apply the cyber security  
7 requirements to level one plants, however a  
8 licensee in level two would not be required to  
9 maintain a cyber security plan because the NRC has  
10 determined that there is significantly reduced risk  
11 of a spent fuel pool fire.

12           What are the advantages and  
13 disadvantages of extending the cyber security  
14 requirements to shut down nuclear power plants  
15 until all spent fuel is transferred to dry cask  
16 storage? So, the change in 73.54 is identified as  
17 a change affecting issue finality, which according  
18 to our procedures, we have to have a specific  
19 analysis in that, and that's included in the  
20 appropriate section of the proposed rule of a back  
21 fit analysis.

22           Next slide please. We do have some  
23 changes related to drug and alcohol testing. The  
24 proposed rule would make three changes on this  
25 topic that I'd like to point out. It would amend

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1 the regulation that discusses the scope of these  
2 requirements to correct an inconsistency with how  
3 Part 26 applies to those Part 50 or Part 52 license  
4 holders.

5 So, Part 26 does not apply to a Part 50  
6 license holder once the NRC docket the  
7 certifications that the power reactor has  
8 permanently ceased operations, that's what formally  
9 begins the decommissioning process. However Part  
10 26 continues to apply to the holder of a combined  
11 license issued under Part 52 throughout  
12 decommissioning.

13 The NRC believes that there is no  
14 technical basis for this inconsistency, and the  
15 proposed rule would revise the regulation that  
16 discusses the scope of these requirements to  
17 specify that Part 26 also no longer applies to a  
18 Part 52 license holder once the NRC docket those  
19 certifications for permanent cessation of  
20 operations.

21 The next changes are related to  
22 criminal penalties. There was a change from a 2008  
23 final rule that should have been identified as  
24 something subject to criminal penalties, it was an  
25 oversight, and we're correcting that oversight by

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1 listing that as a regulation that is subject to  
2 criminal penalties if violated. The third change  
3 is related to what's called an insider mitigation  
4 program.

5 There's a requirement that licensees  
6 maintain this program and that it contain elements  
7 of the fitness for duty program described in Part  
8 26, but current regulations do not identify which  
9 program elements must be included. So, this  
10 proposed rule would establish the required elements  
11 of the fitness for duty program in an insider  
12 mitigation program for both operating and  
13 decommissioning reactors under Parts 50 and 52.  
14 Next slide please, 24.

15 MR. BENOWITZ: Okay, thanks Dan. The  
16 NRC is proposing to withdraw an order and remove  
17 license conditions that are substantively redundant  
18 with existing provisions in our regulations. The  
19 order is Order EA-06-137, which concerns mitigation  
20 strategies for large fires or explosions at nuclear  
21 power plants. This order was issued after the  
22 events of 9/11.

23 A few years later, the NRC issued a  
24 final rule that included many of the requirements  
25 that were in the order. The license conditions

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1 that we would be removing are the conditions  
2 associated with that order and another post 9/11  
3 order, Order EA-02-026. The proposed rule would  
4 also remove the cyber security license condition  
5 that Dan just mentioned.

6 The license conditions would be deemed  
7 removed in the final rule. They would actually be  
8 removed by the NRC staff through what we call an  
9 administrative license amendment. This means that  
10 the licensees would not have to submit requests to  
11 amend their licenses to remove these redundant  
12 license amendments. The staff would issue, after  
13 the final rule goes into effect, the staff would  
14 issue the license amendments to the licensees.

15 The NRC included in the Federal  
16 Register notice for the proposed rule a specific  
17 request for comment on this topic. We are  
18 interested in obtaining stakeholder input to  
19 identify any other potential redundant requirements  
20 that we did not include in the proposed rule. Next  
21 slide, please.

22 MR. DOYLE: We are proposing some  
23 changes related to spent fuel management planning.

24 The NRC staff identified ambiguity in the spent  
25 fuel management decommissioning regulations due to

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1 a lack of cross referencing between Part 72 and  
2 Part 50. The rulemaking clarifies this information  
3 for consistency.

4 Specifically, there's a regulation in  
5 10 CFR 72.218 which states that the spent fuel  
6 management program, which has a requirement in 10  
7 CFR 50.54(bb), the irradiated fuel management plan,  
8 or IFMP, that it must show how the spent fuel will  
9 be managed before starting to decommission systems  
10 and components needed for moving, unloading, and  
11 shipping the spent fuel.

12 Section 72.218 also requires that an  
13 application for termination of a reactor operating  
14 license submitted under those two termination  
15 regulations I mentioned earlier, 50.82 and 52.110,  
16 must also describe how the spent fuel stored under  
17 the Part 72 general license will be removed from  
18 the reactor site.

19 So, although 10 CFR 72.218 states what  
20 information must be included in those documents  
21 required in Part 50, the corresponding regulations  
22 in Part 50 do not contain that information.

23 Therefore, the NRC proposes to clarify, and align  
24 the regulations in 50.54(bb), 50.82, 52.110, and  
25 72.218, those are the four I just mentioned, to

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1 ensure the appropriate documentation of spent fuel  
2 management plans and decommissioning plans.

3 So, what are we changing? We're  
4 proposing to move the 72.218 provisions to that  
5 regulation in Part 50 to clarify that the IFMP must  
6 be submitted and approved before the licensee  
7 starts to decommission systems, structures, and  
8 components needed for moving, unloading, and  
9 shipping spent fuel.

10 The NRC proposes to clarify the current  
11 IFMP approval process and the provisions in Part 50  
12 regarding preliminary approval and final NRC review  
13 of the IFMP. This is the current language that's  
14 in the regulation that refers to proceedings that  
15 no longer exist as they did when that regulation  
16 was first issued by the NRC.

17 The NRC proposes to require submittal  
18 of the initial IFMP and any subsequent changes as a  
19 license amendment request. And in 72.218, we're  
20 proposing to revise that regulation to address  
21 requirements related to decommissioning and  
22 termination of the Part 72 general license as the  
23 title of that regulation suggests -- termination of  
24 licenses.

25 Specifically, the proposed 72.218 notes

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1 that the general license ISFSI must be  
2 decommissioned consistent with the requirements in  
3 50.82 and 52.110 as the general license ISFSI is  
4 part of the Part 50 or 52 license site. Also, the  
5 proposed regulation in Part 72 notes that the  
6 general license is terminated upon termination of  
7 the Part 50 or Part 52 license.

8 We do have a specific question that  
9 we're asking stakeholders to consider providing  
10 input on. The proposed rule clarifies that the  
11 current IFMP approval process, by requiring  
12 submittal of an initial IFMP and any changes for  
13 NRC review and approval, that we're clarifying that  
14 approval process.

15 We would like to know if stakeholders  
16 see any challenges with implementing that part of  
17 the proposed rule. We're also considering a change  
18 control provision to specify what changes the  
19 licensee can make to the IFMP without NRC approval.

20 So, we're asking for input on that -- on having a  
21 change control process -- including the criteria  
22 for changes that licensees would be able to make  
23 without approval, without prior NRC approval, and  
24 any associated record keeping or reporting  
25 requirements for those changes. We are proposing

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1 guidance to two draft guides consistent with these  
2 changes for the IFMP.

3 We've added guidance into draft guide  
4 1347 to outline the information to be included in  
5 the IFMP, and then for general license ISFSI  
6 decommissioning, we added reference to general  
7 license ISFSIs in those two reg guides to make it  
8 clear that a general license ISFSI must be  
9 decommissioned consistent with the two different  
10 requirements for termination of licenses under 52  
11 or Part 50.

12 The staff believes that these changes  
13 will provide regulatory clarity and enhance the  
14 overall transparency and openness regarding  
15 decommissioning and spent fuel management planning.

16 Next slide.

17 Low level waste transportation. When a  
18 plant is actively being decommissioned, the plant  
19 typically generates large volumes of bulk low level  
20 waste.

21 To efficiently manage the  
22 transportation of the waste to a licensed disposal  
23 site, most licensees ship waste by rail. The  
24 railroads control the schedule for the  
25 transportation of the rail cars to the destination,

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1 and the time to reach the disposal site is  
2 generally more than -- the current regulations have  
3 a 20 day notification requirement.

4 We're proposing to change that to 45  
5 day limit to account for the additional time. Next  
6 slide please.

7 This topic is certified fuel handler  
8 definitions and elimination of the shift technical  
9 advisor. So, kind of two topics in one, but they  
10 were related, so we listed them together.

11 Certified fuel handlers are non-licensed operators  
12 that are commonly used at defueled nuclear  
13 facilities with irradiated fuel in the spent fuel  
14 pools.

15 The certified fuel handler is intended  
16 to be the on-shift representative who is  
17 responsible for safe fuel handling activities and  
18 is always present on-shift to ensure safety of the  
19 spent fuel and any decommissioning related  
20 activities at the facility. Currently, a certified  
21 fuel handler is qualified through a training  
22 program that must be reviewed and approved by the  
23 NRC.

24 The proposed rule would modify the  
25 definition of this position and add a provision

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1 that removes the need for NRC approval of the  
2 training program if the training program is derived  
3 from a systems approach to training and includes  
4 specific topics that are listed in the proposed  
5 rule.

6 Specifically, it must address the  
7 topics of safe conduct of decommissioning  
8 activities, safe handling and storage of spent  
9 fuel, and appropriate response to plant  
10 emergencies. The proposed rule would also clarify  
11 that a shift technical advisor is not required for  
12 decommissioning nuclear power reactors. Next  
13 slide, please, slide 28.

14 MR. BENOWITZ: The NRC actually does  
15 have some regulations that refer to licensees in  
16 decommissioning. Not many, which is one of the  
17 reasons why we are proposing these requirements and  
18 amendments in this rulemaking. But the ones that  
19 do refer to these licensees in decommissioning  
20 often only refer to the Part 50 licensees in  
21 decommissioning and whether the particular  
22 regulation that contains that reference would be  
23 applicable to the Part 50 licensees in  
24 decommissioning. What this slide is describing is  
25 the proposed changes to several regulations, and

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1 you can see them in the box in the top right corner  
2 of the slide, where we would clarify that those  
3 particular regulations that currently refer to only  
4 Part 50 licensees in decommissioning also should  
5 include a reference, and would include a reference,  
6 to the Part 52 power reactor licensees in  
7 decommissioning so that the applicability of those  
8 particular regulations would be clear on the timing  
9 of their applicability to the Part 50, or 52 power  
10 reactor licensees in decommissioning.

11 We haven't asked for a specific request  
12 for comment on this one, but for instance if you've  
13 noticed that maybe we didn't catch all of them, we  
14 think we have, but if there is a regulation that  
15 you think should apply to power reactor licensees  
16 in decommissioning, or should not, given the timing  
17 of when these licensees enter decommissioning,  
18 please let us know.

19 But the purpose here is primarily just  
20 to ensure that power reactor licensees, whether  
21 they're licensed under Part 50 of our regulations  
22 or Part 52, that the regulations apply similarly to  
23 both types of licensees. Next slide please.

24 MR. DOYLE: If we could back up one.  
25 Record retention requirements. As noted, when a

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1 plant is no longer operating in decommissioning,  
2 most plant components, such as pumps and valves,  
3 are no longer in service and will eventually be  
4 removed as part of the dismantlement activities.  
5 So, therefore, there is no longer a need to  
6 maintain certain records associated with these  
7 components.

8 And the rulemaking eliminates many  
9 record keeping retention requirements, however it  
10 would not impact records that are required to be  
11 maintained in support of decommissioning and  
12 license termination activities. The proposed rule  
13 also includes a specific question concerning the  
14 record keeping requirements for facilities licensed  
15 under Part 52.

16 One of the rulemaking's few proposed  
17 changes in Part 52 would be regarding the record  
18 keeping and retention requirements for departures  
19 from the design of a facility. However, these  
20 changes would not apply to a combined license  
21 holder that references one of the certified designs  
22 in one of the appendices in Part 52 because those  
23 appendices have their own record keeping  
24 provisions.

25 So, you do have this question that's

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1 asking if we should revise those appendices to  
2 conform to the record keeping requirements with  
3 those proposed in 10 CFR Part 52.63. Next slide  
4 please.

5 So, that completes the overview of each  
6 of those 16 topics that I mentioned, thank you for  
7 sticking with us through that.

8 Hopefully that was a helpful high-level  
9 overview and that could serve as a useful reference  
10 to look into that further if you have additional  
11 questions about that. So, what I'm showing on this  
12 slide, as we mentioned throughout each of these  
13 topics, there were a number of specific requests  
14 for comment, so we did point those out.

15 All of them are listed on the slide  
16 here, but we pointed them out on the previous  
17 slides, where they were related to those topics.  
18 There were three of them however that didn't  
19 specifically relate to any of those topics. So,  
20 I'll just briefly mention those here. One is the  
21 time frame for decommissioning. So, to be clear,  
22 we are not proposing a change to the time frame  
23 requirements in this proposed rule.

24 But we are asking the question -- what  
25 would you see as the advantages and disadvantages

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1 of requiring prompt radiological decontamination  
2 rather than allowing up to 60 years to complete  
3 decommissioning for a site. And as part of the  
4 NRC's review of a PSDAR, what are the advantages  
5 and disadvantages of the NRC evaluating and making  
6 a decision about the time frame for decommissioning  
7 on a site specific basis?

8 The second one to point out is related  
9 to exemptions. As stated in the proposed rule, one  
10 of the goals of amending the regulations is to  
11 reduce the need for regulatory exemptions, which is  
12 governed by 10 CFR 50.12 -- states that the  
13 Commission may grant exemptions from the  
14 requirements in 10 CFR Part 50 if the request will  
15 not present an undue risk to public health and  
16 safety and is consistent with common defense and  
17 security.

18 What are the advantages and  
19 disadvantages of that current approach to  
20 decommissioning-related exemptions? What standard  
21 should the NRC apply in determining whether to  
22 grant exemptions from these new or amended  
23 regulations? What are the advantages and  
24 disadvantages of providing an opportunity for  
25 public to weigh in on such exemption requests? Are

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1       there other process changes that the NRC should  
2       consider in determining whether to grant exemptions  
3       from these proposed regulations?

4               And then the third one to point out is  
5       applicability. So, we do have a discussion in the  
6       proposed rule about how these changes apply to  
7       licensees that are currently operating or licensees  
8       that have already gone through the decommissioning  
9       process, and are what we call just an ISFSI only  
10      site or a standalone ISFSI with a decommissioned  
11      reactor.

12              Permanently shut-down nuclear power  
13      plants will be at different stages of  
14      decommissioning when these new regulations become  
15      effective and will have previously received varying  
16      regulatory exemptions.

17              So, we are asking this question if  
18      stakeholders see any implementation issues with how  
19      we've described these changes as it's currently  
20      written. For any of the new or amended  
21      requirements in the rule, how should the  
22      requirement apply to sites that are currently in  
23      the different stages of decommissioning?

24              Okay, so that covers all the specific  
25      requests. The page numbers are where those are

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1 listed in there. Next slide, please.

2 We do have, as I mentioned earlier,  
3 what we call a regulatory analysis. This is a  
4 document that looks at the costs and benefits of  
5 what we're proposing. We try to take a holistic  
6 look and identify costs and benefits to the NRC, to  
7 the industry, to the general public.

8 So, this document is linked and  
9 available for review on that earlier slide I  
10 mentioned. So, this slide here, I'm just providing  
11 an overview that the conclusion from the document  
12 is that overall, these changes we believe would be  
13 cost beneficial. We kind of add up all of what we  
14 see as the benefits and the costs, and the benefits  
15 would be greater by approximately 18 million, seven  
16 percent, or 37 million at three percent discount.

17 The three topics that influence that  
18 the most would be emergency preparedness of about  
19 7.7 million. The drug and alcohol testing changes,  
20 about 7 million, and decommissioning funding  
21 assurance changes would be approximately 1.2  
22 million. Next slide please.

23 We have a few slides -- next slide. A  
24 few tips. I think many of you who are attending  
25 virtually, or in person are familiar with the NRC's

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1 rulemaking process.

2 But whether you are or not hopefully  
3 some of these tips will be helpful for you if you  
4 do choose to prepare and submit comments, to  
5 hopefully have those comments be more effective to  
6 communicate what you're proposing to the NRC, and  
7 for us to be able to consider that and give a good  
8 response. So, the first tip is to consider taking  
9 a look at this commenter's checklist.

10 This is on regulations.gov, which is  
11 not run by the NRC -- this is a government-wide  
12 website that many agencies use for providing  
13 information about rulemaking and collecting public  
14 comments. So, they have a checklist that's very  
15 prominently posted on the comment submission form  
16 right at the top it says click here to see the  
17 checklist.

18 It's pretty short, and I think it's  
19 pretty well written and understandable and gives  
20 some good tips to think about. There's a link  
21 there, you can get it from that comment form, and  
22 it's also in printable format. Next slide please.

23 Next tip is to take a look at this  
24 unofficial red line rule text. If you want to get  
25 a different understanding, or you want to see what

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1 words in the Code of Federal Regulations, what  
2 would actually change with this proposed rule --  
3 what would be deleted, what would be added -- and  
4 you could see it in context. Sometimes, if you  
5 just look at a proposed rule, it's not so easy to  
6 tell what the change would be. Maybe we say  
7 replace this existing paragraph with this text, but  
8 you'd have to just look at it and compare them side  
9 by side to figure out what the actual change is.

10 Even though we do describe the change,  
11 and we try to be clear about that, but we do have  
12 to follow a required format. So, this is just a  
13 different format of communicating that that we hope  
14 would be helpful. So, it shows how the proposed  
15 rule would modify the current regulations. And  
16 that's the accession number and the direct link to  
17 it.

18 The third and final tip is that we do  
19 have this public website that we've put together,  
20 intended to be a one stop shop for information  
21 about this rulemaking activity. We have a direct  
22 link to the proposed rule, all of the related  
23 documents that I mentioned, there's a direct link  
24 to the comment submission form, information about  
25 all of our past public meetings.

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1           As Trish mentioned, this is our 6th,  
2           and final one that we have scheduled at this time,  
3           but all of our public meetings, we have information  
4           about those on there. And then also those  
5           additional background documents I mentioned from  
6           the advanced notice of proposed rulemaking, and the  
7           regulatory basis stage. So, you could scan that  
8           code with your phone, and you could get it on your  
9           phone.

10           There's a short URL that's listed right  
11           there, and I also included my contact information  
12           if you have any trouble accessing that or finding  
13           it. Feel free to reach out to me, and I would be  
14           happy to help you. Next slide please. So, this  
15           slide is just summarizing how to actually submit a  
16           comment -- these instructions are in the proposed  
17           rule.

18           And just providing them here for  
19           convenience. So, you can submit them, as I  
20           mentioned, that website, regulations.gov, there's a  
21           comment form. You can send it as an email, you can  
22           type it into the email, or you can attach a  
23           document to your email, and send it to  
24           rulemaking.comments@nrc.gov. You could also mail  
25           it into us.

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1           So, I'll just put out there that our  
2 preferred method is to submit it -- if you submit  
3 it -- via regulations.gov. So, again, you could  
4 type your comment in there, and you could also  
5 upload it to regulations.gov. So, there's multiple  
6 methods, hopefully that's pretty easy and straight  
7 forward for you to submit it. Also you don't need  
8 to submit using multiple methods.

9           You'll get a confirmation if you send  
10 to regulations.gov or email, so you can be sure  
11 that we received it, and don't need to submit it  
12 again. Okay, next slide.

13           So, this is our summary of the next  
14 steps as we wrap up the staff presentation. So,  
15 the public comment period, again, will be extended  
16 until August 30th. After we receive public  
17 comments, the NRC will consider, and address those,  
18 and develop an updated final rule, which we'll send  
19 to the Commission.

20           We're estimating it as October 2023.  
21 That date may be adjusted based on the change to  
22 the public comment period, but we have not changed  
23 that yet. After the Commission reviews, if they  
24 approve the final rule, the estimated date for that  
25 to be published would be around May 2024. And that

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1 concludes the staff presentation, I'll turn it back  
2 to Brett. Next slide please.

3 MR. KLUKAN: Thanks Dan. So, a lot of  
4 you came into the room after I started my initial  
5 presentation, so I'm going to run through some high  
6 level points very quickly, so we can get to the  
7 question, and answer session. So, the purpose of  
8 this meeting. The purpose of this meeting is to  
9 one, provide you an overview of the draft rule or  
10 the proposed rule.

11 And to, during the question and answer  
12 session, answer any questions you have about what's  
13 in the draft rule. What are the current  
14 regulations that aren't being changed by the draft  
15 rule? The purpose of which is to help you prepare  
16 to submit formal comments on the proposed rule.  
17 Again, we are not soliciting those formal comments  
18 tonight as part of the transcript for this record.

19 The purpose of this is to help you  
20 figure out, okay, I have concerns about this, how  
21 do I go about doing this? Even if you have  
22 questions on the commenting process itself. Next,  
23 again, we will go in room, alternate between in  
24 room and virtual speakers. And I will go through  
25 the process, once we get to it again, about how

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1 virtual speakers are able to raise their hands.

2 If you haven't already, if you're in  
3 the room, and know that you would like to ask  
4 questions, please see Diane in the back of the room  
5 to sign up your name. And then finally, I know  
6 many of you -- well thank you for coming here this  
7 evening first of all. Taking time out of your life  
8 to participate in this meeting.

9 And I recognize that many of you are  
10 participating in this meeting out of motivated by  
11 strong concerns you have, or feelings with respect  
12 to the matters we discussed earlier, they were  
13 subjects of the NRC's presentation. The only thing  
14 I would say about this is with respect to other  
15 members of the public.

16 I would just ask that, particularly if  
17 they're voicing opinions that are different from  
18 your own, or contrary to what you believe, that you  
19 act respectfully towards each other, to the other  
20 members of the public in the room. With that,  
21 before we go to public speakers or to the question  
22 and answer session, I will start with elected  
23 officials who have requested to make prepared  
24 statements.

25 And we will begin with Jim Cantwell,

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1 who is the state director for Senator Markey. So,  
2 if you would sir.

3 MR. CANTWELL: Thank you Brett, I  
4 appreciate the opportunity to speak here. Daniel,  
5 Patricia, and all the staff. We do appreciate your  
6 time, and that you're bringing this information  
7 back to folks at the NRC, hopefully for changes to  
8 these rules. Good evening everyone, my name is Jim  
9 Cantwell, I have the great honor of being Ed  
10 Markey's state director here in Massachusetts.

11 I'll be delivering a statement on  
12 behalf of Senator Markey. When it comes to the  
13 decommissioning of nuclear power stations like  
14 Pilgrim, the public's interest must always be the  
15 top priority. As the chairman of the Senate  
16 Environment and Public Works Subcommittee on Clean  
17 Air, Climate, and Nuclear Safety, I will continue  
18 to work with Senator Warren, Congressman Keating,  
19 and our colleagues in the Senate, and House to push  
20 the Nuclear Regulatory Commission to prioritize  
21 public engagement, public safety, and public health  
22 over industry profits.

23 As a side note on local engagement, as  
24 the local residents here at tonight's meeting  
25 remember well, in August of 2019, the NRC approved

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1 the transfer of the Pilgrim Nuclear Power Station  
2 license from Entergy Nuclear Operations to Holtec  
3 International.

4 A ruling made even before it resolved  
5 open petitions in the proceeding docket or answered  
6 critical questions about safety, security, and  
7 funding. Keeping Holtec's business interests on  
8 schedule seemed to be a higher priority than  
9 answering public questions. And this disregard for  
10 public input isn't unique to Pilgrim.

11 We've seen it play out at other  
12 decommissioning power plants across the country.  
13 On Friday, Senator Markey goes on to say, I was  
14 pleased to chair a United States Senate field  
15 hearing at Plymouth Town Hall of the Environment  
16 and Public Works Subcommittee on Clean Air,  
17 Climate, and Nuclear Safety. We received verbal  
18 testimony from the Office of Nuclear Materials  
19 Safety and Safeguards Director John Lubinski from  
20 the NRC; from Dr. Kris Singh, the president of  
21 Holtec International; Massachusetts State Senator  
22 Sue Moran; and senior attorneys from the  
23 Massachusetts Attorney General's Office; and the  
24 Natural Resources Defense Council. There's some  
25 testimony from all of those folks during the

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1 hearing last Friday -- made clear the need for a  
2 stronger decommissioning rule that creates a more  
3 meaningful role for our communities in the  
4 decommissioning process.

5 The process decommissioning rule that  
6 is currently open, and we're hearing tonight in  
7 summary for public comment, serves as a critical  
8 opportunity for the NRC to re-assert itself as an  
9 independent, impartial regulator worthy of the  
10 public's trust and to rebut a popular belief that  
11 the NRC is a captured agency. Trust needs to be  
12 earned.

13 Instead of simply approving the  
14 proposed decommissioning rule, I hope the NRC takes  
15 this opportunity to improve the rule. The current  
16 version of this rule would cut public and state  
17 engagement out of the decommissioning process.  
18 Instead, stakeholders would be only able to  
19 participate in the regulatory and adjudicatory  
20 process over reviews and plans that are either too  
21 old -- in the case of license amendments and  
22 approvals -- too late -- in the case of license  
23 amendments -- or too sparse. The proposed  
24 decommissioning rule advocates the NRC's authority  
25 and obligations over the decommissioning process

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1 taking a backseat role to the industry by, number  
2 one, failing to require NRC approval of the post  
3 shut down decommissioning activities report, PSDAR,  
4 which you mentioned tonight, Daniel, which also  
5 results in no NEPA assessment, a National  
6 Environmental Policy Act assessment, of the  
7 decommissioning plant. Number two, it's a back  
8 seat role for allowing for an exemption-based  
9 system of regulations rather than creating a new  
10 framework that fits the needs of the  
11 decommissioning sites, which allows for an unfunded  
12 emergency response mandate to be passed onto nearby  
13 communities.

14 By the way, we had testimony last  
15 Friday, we heard just from one community, the town  
16 of Marshfield, saying they had a \$450,000 cost that  
17 is passed onto them. We heard from Plymouth, \$8  
18 million dollars lost for revenues to them.

19 Number three, the back seat role.  
20 Retaining the option to get a waiver in order to  
21 use the decommissioning trust fund money for spent  
22 fuel management without requiring reimbursement.

23 And number four, failing to include  
24 more robust protections against damage to spent  
25 fuel and storage casks, among many other issues.

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1 These are serious problems that cause financial and  
2 safety issues for nearby communities and erode the  
3 public trust in the NRC. But the NRC should  
4 address these issues by throwing out the proposed  
5 rule and delivering a stronger result instead.

6 By putting a stronger rule in place,  
7 the NRC can ensure that communities have a seat at  
8 the table when it comes to the decommissioning  
9 process. They can better protect the safety and  
10 financial health of every community. In closing,  
11 the senator says I'm pleased that the NRC is  
12 holding this hearing, we do appreciate your time,  
13 and frankly that you all have done a great job  
14 tonight giving us information.

15 So, we appreciate your time, these are  
16 directed more for folks that you'll bring the  
17 information back to hoping for changes. We are  
18 grateful for the additional time that the  
19 stakeholders will have, knowing that we have until  
20 August now. I hope that the Commission takes this  
21 opportunity to learn from the people who have the  
22 most to lose and the least to gain from this  
23 decommissioning process. We appreciate your time  
24 tonight, thank you very much.

25 MR. KLUKAN: Thank you very much. Next

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1 we'll hear from Mike Jackman, who is a district  
2 director for Representative Bill Keating.

3 MR. JACKMAN: Thank you. Again, my  
4 name is Michael Jackman, district director for  
5 Congressman Bill Keating, couldn't be here tonight.

6 Thank you for allowing me to make a statement on  
7 his behalf. I am calling upon the Nuclear  
8 Regulatory Commission to reject its proposed rule  
9 for decommissioning power plants and to rewrite the  
10 rule to include more robust oversight of licensees  
11 in charge of the private companies entrusted with  
12 the awesome responsibility of dismantling the aging  
13 fleet of nuclear power stations across our nation.

14 At last week's field hearing of the  
15 Senate Environmental and Public Works Committee,  
16 the NRC's director of Nuclear Material Safety  
17 admitted that the decision of whether to discharge  
18 effluent from the spent fuel pool is up to the  
19 licensee. This response typifies the NRC's  
20 approach to serious environmental and public safety  
21 challenges posed by decommissioning.

22 Allow the licensee to determine what is  
23 and isn't appropriate based on its own business  
24 needs. This approach puts at risk the economy and  
25 the environment of southeast Massachusetts because,

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1 as it stands today, the NRC has no mechanism to  
2 prevent the current licensee from discharging  
3 dangerous effluent into Cape Cod Bay.

4 Which will threaten not only marine  
5 life, but also thousands of residents who rely on  
6 the bay for their livelihoods. The new proposed  
7 rule would not prevent a similarly situated  
8 licensee elsewhere in the country from making  
9 decisions regardless of environmental and economic  
10 impacts, and must therefore be rejected.

11 The proposed new rule is also  
12 inadequate in that it fails to require extended  
13 physical safety, cyber security, and emergency  
14 preparedness measures that will mitigate the  
15 effects of any potential critical incident  
16 associated with the decommissioning process.

17 In drafting a replacement to the  
18 proposed new rule, I urge NRC to give itself a  
19 stronger, more proactive role in overseeing the  
20 activities of the licensees that will have an  
21 impact on the residents of my district and to give  
22 those residents a meaningful role in speaking out  
23 about those decommissioning operations.

24 The cessation of power generation  
25 operations and transfer of spent fuel out of the

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1 pool lessens, but does not eliminate the safety  
2 risk presented by the decommissioning plant. The  
3 new rule must maintain security protocols at robust  
4 levels to ensure the physical security of the site.

5 And the inviolability of the plant's  
6 electronic and cyber security systems, as well as  
7 monitor the integrity of the storage casks. I urge  
8 the NRC to instill these important principles into  
9 its new decommissioning rule. Thank you.

10 MR. KLUKAN: Thank you very much. Next  
11 we'll hear from Liv Teixeira, who is a staff  
12 assistant to Senator Warren. She is participating  
13 virtually. Sarah, could you please unmute Liv  
14 Teixeira please?

15 MS. LOPAS: Yes, I have done that.  
16 Liv, your microphone is enabled, and I've also  
17 enabled your camera, if you'd like to share your  
18 camera.

19 MS. TEIXEIRA: Hi everybody, it looks  
20 like my camera is not working at the moment, but  
21 thank you so much for having me. I am happy to be  
22 here to represent the senator, and to share a  
23 statement on her behalf. So, her statement is as  
24 follows -- hi, my camera's working. I am  
25 disappointed that the Nuclear Regulatory Commission

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1 is proposing a new decommissioning rule that  
2 ignores repeated calls for enhanced transparency,  
3 accountability, and community engagement.

4 This new rule was an important  
5 opportunity that could have been used to strengthen  
6 the decommissioning process and prioritize  
7 community safety over industry savings. Instead,  
8 the proposed rule continues to allow the NRC and  
9 plant operators to cut corners on safety and limit  
10 public engagement at the expense of the health and  
11 wellbeing of the residents who live in communities  
12 near these plants.

13 I, along with my delegation and local  
14 partners, have continually urged the NRC to  
15 increase its public and stakeholder engagement,  
16 institute a comprehensive set of decommissioning  
17 and cleanup regulations, and address concerns about  
18 the safety of onsite storage and spent fuel.

19 Based on our collective experiences  
20 with the decommissioning of the Pilgrim plant in  
21 Plymouth, it is abundantly clear that these changes  
22 are not only necessary, but also long overdue. Yet  
23 none of these important considerations are included  
24 in the proposed rule. Once again, I urge the NRC  
25 to strengthen this decommissioning rule.

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1 I will continue to fight, and my vocal  
2 partnerships with federal, state, and local  
3 colleagues to ensure the decommissioning process  
4 prioritizes public safety, and community  
5 participation. Thank you.

6 MR. KLUKAN: Thank you very much. Now  
7 I'll see if there are any other elected officials,  
8 or representatives of elected officials in the room  
9 with us this evening who would like to offer  
10 prepared remarks at this time.

11 Seeing none, now if you are an elected  
12 official or a representative of an elected official  
13 participating virtually -- either on the phone or  
14 on the Teams application -- and you would like to  
15 offer a prepared statement at this time, you can do  
16 so by through the Teams app raising your hand using  
17 the raise hand button. Or if you're on the phone,  
18 press star five, again that's star five to raise  
19 your hand. And then when Sarah calls on you, you  
20 need to press star six to unmute yourself, and then  
21 you would also need to unmute yourself via Teams.

22 So, I'll give people a second, and then  
23 I'll turn it over to Sarah to see if we have any  
24 elected officials or representatives of officials  
25 who have raised their hands at this time.

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1 MS. LOPAS: I do see three folks with  
2 raised hands, but as far as I'm aware, they're not  
3 elected officials.

4 MR. KLUKAN: Okay. So, if that's  
5 untrue, we apologize. We're now going to go to the  
6 public question and answer portion of this meeting.

7 There are a number of you in the room tonight, I'm  
8 going to try my best to get through as many of your  
9 questions as possible out of fairness, of you  
10 taking time out of your life to come here this  
11 evening.

12 So, we are going to extend the meeting  
13 to 8:30, because we're not probably going to get  
14 through it by 8:00, that's not going to happen.  
15 So, I talked to Trish beforehand, we'll go to 8:30.

16 So, we're going to get started as quickly as  
17 possible. First up, because they indicated in  
18 advance of the meeting they wouldn't be able to  
19 come here tonight.

20 And that's before we knew how many of  
21 you would be attending, we're going to first go to  
22 Jim Lampert, or Mary Lampert, I'm not sure how  
23 they're signed on. And they're participating via  
24 Teams. So, Sarah, could you unmute James or Mary  
25 Lampert? I don't know --

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1 MS. LOPAS: Yeah.

2 MR. KLUKAN: Okay, good, thank you.

3 MS. LOPAS: I'll start with James  
4 because he's at the top of my list. Mary, you're  
5 right below him. So, I'm going to allow mic for  
6 James. James, you'll just need to unmute yourself,  
7 and if you're not seeing how to unmute yourself,  
8 James, you can just move your --

9 MR. LAMPERT: Can you hear me?

10 MS. LOPAS: Yeah, now we've got you, go  
11 ahead.

12 MR. LAMPERT: Let me just say  
13 something, preliminarily, as we get into this, I've  
14 had some off, and on in my ability to connect via  
15 the internet. If I drop off in volume, you can't  
16 hear me, I expect I will probably drop off in the  
17 video. I am also lined up to come in on one of  
18 your phone links, so we might try that.

19 And I know my wife's comments will be  
20 separate from mine.

21 MS. LOPAS: Okay, I see your cell  
22 phone, so if you drop off on Teams, go ahead, and  
23 you'll just press star five first, and then star  
24 six, okay?

25 MR. LAMPERT: That's fine, that's

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1 great.

2 MS. LOPAS: Go ahead, you sound okay  
3 now.

4 MR. LAMPERT: Good to see you tonight  
5 Brett, it's been a long time, I'm sorry I can't be  
6 there tonight, but COVID being what it is, I'm not.  
7 I clearly will be submitting detailed comments as  
8 you have requested. But as you know, time is  
9 limited tonight, so I can only say a few things.  
10 Initially your slides repeatedly say that the  
11 purpose of the new rule is to clarify.

12 To some extent, this may be true. But  
13 what it really seems to clarify is the NRC's  
14 apparent goals to even further reduce your already  
15 far too limited oversight of decommissioning. To  
16 even further reduce, assuming that's possible, the  
17 level of what you call public involvement. To even  
18 further reduce the level of protection of the  
19 public.

20 And -- and this is probably central to  
21 everything -- to increase industry profits. Some  
22 months ago, your own historian published a book  
23 about your practices entitled Safe Enough. The  
24 obvious question is safe enough for whom? The  
25 industry? The NRC? Or the public? Essentially

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1 the same question should be asked about the  
2 statement in your slides.

3 Quote this proposed rule is determined  
4 to be cost beneficial, close quote. For whom?  
5 Again, not the public. The NRC will benefit and  
6 will save money, since you will have decided in  
7 advance that a plant does not need to comply with  
8 many current NRC regulations. The nuclear industry  
9 will benefit and save money because they no longer  
10 have to even try to show you that a particular  
11 plant needs, much less deserves, an exemption.

12 The public will save money, but it will  
13 no longer be able to voice, and express its very  
14 real concerns. Only the NRC would think that's a  
15 benefit. The NRC claims, and I quote, that it  
16 considers public involvement in, and information  
17 about its activities to be a cornerstone of strong,  
18 fair regulation of the nuclear industry, close  
19 quote.

20 Many of us here would ask how you can  
21 say that with a straight face. One of your atomic  
22 safety board licensing judges found that you  
23 provided the substantive relief requested in a  
24 2.206 petition only once in more than 35 years.  
25 Commissioner Baran has said -- and at last Friday's

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1 Senate Subcommittee hearing, one of your directors  
2 confirmed -- that the real reason you don't approve  
3 PSDARs is that if you did, you might have to allow  
4 public participation.

5 Both my wife and I filed extensive  
6 comments on Pilgrim's PSDARs. I don't think you  
7 even acknowledged you received them. Three days  
8 ago, your director admitted that the NRC has never  
9 required a licensee to make any changes to a PSDAR.

10 According to Commissioner Baran, your current  
11 regulatory system barely qualifies as a regulatory  
12 system at all. I agree.

13 Nothing in your proposed rule changes  
14 that, at least for the better. I hope you will,  
15 but I have little hope that you will improve it.  
16 Thank you.

17 MR. KLUKAN: Thank you very much. So,  
18 before we go to Mary, let's go to a person in the  
19 room. Again, the plan is to go back and forth. So,  
20 I have Pat Watson. Pat Watson? And again, just to  
21 repeat, for the sake of the transcription, state  
22 your name, if you so choose, and any affiliation,  
23 if you so choose. Do not say your address. It's  
24 so the transcriptionist knows who is speaking.

25 MS. WATSON: Thank you. The NRC knows

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1 that historically speaking -- Pat Watson, I'm  
2 sorry, my name is Pat Watson. I live in East  
3 Bridgewater. As the NRC knows, historically, the  
4 biggest problem with nuclear power plants is how to  
5 get rid of spent fuel rods. That's always the  
6 biggest problem, that's always the biggest concern.

7 This is actually the first time I've  
8 come or commented on a public hearing because I'm  
9 just getting aware of this recently. And to say in  
10 your slides that A, you have an operating nuclear  
11 power plant, and now it's decommissioned, so it's  
12 different, it's separate, and the EPA rules change.

13 How could the EPA rules change when  
14 historically, and admitted by the NRC, when the  
15 fuel rods, the worst part, and the hardest problem  
16 of the whole nuclear power plant is how do you get  
17 rid of that? That's the worst, most difficult, all  
18 of a sudden now the EPA doesn't necessarily need to  
19 apply the way it did under an operating.

20 That makes no sense whatsoever.  
21 There's just so many holes in the process going  
22 from an operating to a decommissioning. And I  
23 think that basically -- and then to say -- I guess  
24 it just lacks, there's holes in the whole process.  
25 It lacks common sense, even all of us who are not,

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1 here, experts on how a nuclear power plant  
2 operates.

3 And I think transparency would be  
4 better served if you just talked -- I don't know,  
5 have the opportunity for people to understand the  
6 process, and know that it just doesn't make common  
7 sense that the most dangerous part of a nuclear  
8 power plant, the fuel rods would even -- the NRC  
9 would even think it would be okay to dump those in  
10 the ocean. That's all I have to say.

11 MR. KLUKAN: Thank you very much. So,  
12 next -- and again, I would ask out of courtesy, I  
13 don't have any timer up here, that you try to keep  
14 your questions to about four minutes, including any  
15 follow ups. And then if we have additional time,  
16 we'll go through again. I'm remiss that I didn't  
17 see that earlier, but that's just out of based on  
18 the number of people I think, when they speak  
19 tonight.

20 So, no further delays. Next we will  
21 have Mary Lampert, please, Sarah.

22 MS. LOPAS: Okay. Mary, I have enabled  
23 your microphone, so you'll just need to unmute  
24 yourself. And you look like you're all set. You  
25 should be able to talk Mary. I do see your mic's

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1 enabled and not muted. Okay, nobody else is  
2 hearing Mary?

3 MR. KLUKAN: No, we aren't. So, what I  
4 would suggest is Mary, we will come back to you.  
5 Maybe use the phone -- maybe you and Jim aren't in  
6 the same location -- but we will come back to you  
7 as our next speaker. So, let us go back to now in  
8 the room. I think this is -- I don't know the  
9 first name, Danielson, with the Seafood  
10 Collaborative.

11 Okay, no comment, moving right along  
12 then. Next we will have Pine duBois. No comment.  
13 Maybe that was too easy -- all right, Leslie  
14 Danielson, Leslie Danielson?

15 MS. DANIELSON: Hello, everyone, thank  
16 you for taking comments this evening. My name is  
17 Leslie Danielson, and I am a resident of Plymouth.  
18 And I just have a comment about the Cape Cod Bay,  
19 and the concerns with the ocean. Just a reminder  
20 that Cape Cod Bay and the Atlantic Ocean do not  
21 belong to the Nuclear Regulatory Commission and do  
22 not belong to Holtec. It is not yours to approve  
23 any dumping into. Thank you.

24 MR. KLUKAN: Thank you. All right,  
25 Sarah, let's try Mary one more time if we can.

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1 MS. LOPAS: So, Mary looks like she  
2 dropped off, I'm not seeing her. Mary, if you  
3 happened to call in on your cell phone, go ahead,  
4 and press star five right now, if you've called in.  
5 Star five on your phone.

6 MR. KLUKAN: And again, if there are  
7 others online, if you would like to ask a question  
8 via Teams, or via phone, again, use the raise hand  
9 function, or press star five if you're  
10 participating via phone. We'll go to our next in  
11 person speaker who is Henrietta Constantino --

12 MS. LOPAS: Hang on a second, I did get  
13 a hand raised on the call, I just enabled  
14 somebody's microphone on the call. Mary, if that  
15 was you -- you're back Mary, okay, I'm going to try  
16 to go ahead, and allow your mic, I'm seeing you.  
17 Okay, Mary I have enabled your mic, go ahead, and  
18 try again, you just have to unmute yourself. I see  
19 you on Teams.

20 And if you're on your phone Mary, then  
21 press star six on your phone.

22 MS. LAMPERT: Am I on now?

23 MR. KLUKAN: Yes, we can hear you.

24 MS. LAMPERT: Okay.

25 MS. LOPAS: And I think, if you do have

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1 your phone, mute it, because we're hearing you on  
2 both ends now, a little echo. Okay, I think we're  
3 good, go ahead.

4 MS. LAMPERT: Yes. The NRC  
5 decommissioning process is backwards. The NRC does  
6 not approve the decommissioning plan at the outset  
7 of the process, as it should. It waits until the  
8 end of the process. If NRC approves the  
9 decommissioning plan at the beginning, it would  
10 signify that the plan is a major federal action.

11 As a result, the agency would have to  
12 perform its NEPA environmental review, and a NEPA  
13 review at this early stage makes more sense than at  
14 the end of the licensing termination, when all the  
15 major decisions would already have been made.  
16 Nearly all the impacts of decommissioning would  
17 have occurred, and nearly all the decommissioning  
18 trust fund spent.

19 Absent a NEPA review, cost estimates  
20 will remain unreliable. Because the NRC approval  
21 of a decommissioning plan will be a licensing  
22 action, stakeholders will have the opportunity to  
23 request an adjudicatory hearing at that time, real  
24 public participation. Like the NEPA review, the  
25 opportunity for a hearing will be most beneficial

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1 at the beginning, not at the end.

2 Holtec's plan to discharge radioactive  
3 contaminated water into Cape Cod Bay provides a  
4 good example. Holtec announced December 1st to  
5 discharge 1 million gallons of radioactive  
6 contaminated water into Cape Cod Bay, a protected  
7 ocean sanctuary. This proposal would not have been  
8 given serious consideration for one second had a  
9 NEPA review occurred at the beginning of the  
10 decommissioning process and if NRC approval of the  
11 plan was required, so that stakeholders had a  
12 significant opportunity for an adjudicatory  
13 hearing. In this example, if the NEPA review and  
14 the NRC approval were in place at the start of the  
15 decommissioning process, it would result in  
16 significant savings to licensees, the state, and  
17 stakeholders.

18 Absent those changes, if Pilgrim's  
19 licensee, Holtec, decides to dump, there will be  
20 lawsuits that will delay decommissioning. Time is  
21 money and costs the company attorney fees.  
22 Likewise, the state -- the public -- will face  
23 continuing expense fighting this horrific proposal.

24 A NEPA review and adjudication would show that  
25 dumping would cause irreparable economic harm and

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1 safety concerns.

2 Facts would be placed on the table at  
3 the beginning that the bay is a semi enclosed  
4 space, and circulation will keep the contaminants  
5 in the bay long enough to do harm. The bay and  
6 marine life each year is increasingly being harmed  
7 by past program releases, development, and invasive  
8 species. It does not need more from Pilgrim's  
9 decommissioning when there are alternatives to  
10 dumping.

11 Not one more drop. That's what you  
12 would learn if you had the process not backwards as  
13 it is now, but properly placed. Thank you very  
14 much, I appreciate it.

15 MR. KLUKAN: Thank you very much. Now,  
16 again, we will turn to -- I think we were on  
17 Henrietta Constantino.

18 MS. CONSTANTINO: Thank you for giving  
19 me this opportunity, and I do appreciate the work  
20 that's gone into putting this together. But I  
21 would like to make a comment about the process  
22 itself. Somehow, and I don't mean to be insulting,  
23 but the way that these rules have been presented  
24 was very, very difficult to relate to.

25 It sounded like bureaucratic

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1 gobbledygook. And I really wish that at some point  
2 when the NRC actually decides to invite serious  
3 public engagement, that the NRC would come, open  
4 minded, open hearted, and without a lot of  
5 gobbledygook to read at us. But rather come and  
6 ask serious questions about what our concerns are.

7 I also want to greatly appreciate the  
8 emissaries from our wonderful federal  
9 representatives who have really made the  
10 suggestions that we all appreciate, as has Mary and  
11 Jim Lampert. And I want to also appreciate what  
12 Leslie said about the comments. This is a way  
13 overlooked point which is so utterly fundamental.

14 The ocean does not belong to the NRC,  
15 it just doesn't. This is our treasure, our commons  
16 -- and there is a sovereignty issue here. This  
17 should be under the aegis of the Commonwealth of  
18 Massachusetts, and in fact it is. And indeed, when  
19 Holtec signed the settlement agreement with the  
20 commonwealth through the negotiations with  
21 Scofield, and the HEO.

22 It did agree to abide by the  
23 regulations of the commonwealth that have an impact  
24 on our health, our environment, and our economic  
25 wellbeing. I do not understand why the

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1 conversation keeps getting kicked back to the NDPES  
2 -- the water discharge permit -- which should not  
3 need to be invoked because Holtec has already  
4 agreed to the settlement.

5 Now, just one question, you have heard  
6 very loud and clear that the urgent concern right  
7 now is with Holtec's proposition to discharge  
8 radioactive water into our bay, something that is  
9 simply beyond the pale. I would like to know if  
10 there's anything in these regulations -- which I  
11 really would have to go back and spend days reading  
12 to be able to digest -- I'd like to know if there's  
13 anything in the new regulation that would address a  
14 problem like this, that would have -- if the new  
15 regulations were now in effect, would any of that  
16 have affected Holtec's plan to dump?

17 Another question is we now have 63 dry  
18 casks sitting a football field away from a public  
19 road. It is unprotected, it is visible from the  
20 air, it's visible from the road. It is highly  
21 vulnerable to bad actors. If, for example, the 911  
22 bombers had decided to come and crash on that site,  
23 the entire east coast would be more or less  
24 destroyed. So, is there anything in the current  
25 regulation that you're proposing that would change

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1 this situation and give us dry casks that are  
2 actually contained, hardened onsite, with guards?  
3 That's what I would like to know, thank you.

4 MR. DOYLE: So, I heard two questions  
5 that you were asking about. If there was anything  
6 in the proposed rule that would affect the  
7 situation where Holtec was proposing to discharge  
8 the amount of 1 million gallons to the bay. The  
9 answer is no, that we're not changing anything  
10 about discharges of contamination to the  
11 environment, we're not changing the standards,  
12 that's not part of the proposed rule.

13 And then you were also asking about  
14 basically security of dry cask storage. I don't  
15 think we have a security official with us today  
16 about this, but there is -- the answer is no, about  
17 as far as that you were saying a terrorist attack  
18 of a spent fuel storage facility, we're not making  
19 changes to that in this proposed rule. It's  
20 focused on the transition to decommissioning, and  
21 the changes that we talked about.

22 MR. KLUKAN: I'm going to jump in here.  
23 So, as John Lubinski said at the hearing before  
24 the congressional delegation convened by Senator  
25 Markey, the purpose of this, why we're here tonight

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1 is to help better inform you, so you can write  
2 comments. If you believe that there should be  
3 changes that would prevent -- or change to the way  
4 that discharges occur, that there have to be prior  
5 approvals, submit that comment to the NRC.

6 If you believe there should be changes  
7 to how security works for dry cask storage, submit  
8 that to the NRC. So, that's why we're here  
9 tonight. It's not to -- that is not the final  
10 answer of what's in the rule, where we're here  
11 soliciting your comments. Not tonight, but hoping  
12 that you will submit comments on what you believe  
13 should be in the rule. So, thank you for those  
14 questions.

15 We will now, Sarah, see if there's  
16 anyone else online who has their hand raised.

17 MS. LOPAS: We've got two people with  
18 their hands raised, and I just want to note that I  
19 know some of you are accessing on like a web  
20 browser. In that case, sometimes you don't see how  
21 to raise your hand. Just wiggle your mouse around,  
22 take your mouse off the bottom of your screen, and  
23 put it back on.

24 And that control panel should pop up at  
25 the bottom of your screen, and then you'll be able

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1 to hit the raise hand icon, and unmute icon. So, we  
2 just have two folks in the queue right now, so go  
3 ahead, and raise your hand, or press star five on  
4 your phone. So, we're going to go to Paul Gunter  
5 of Beyond Nuclear. Paul, I've enabled your  
6 microphone, so you should be able to unmute  
7 yourself.

8 MR. GUNTER: Can you hear me now?

9 MS. LOPAS: Yes.

10 MR. GUNTER: Thank you. Paul Gunter,  
11 I'm with Beyond Nuclear, we're in Takoma Park,  
12 Maryland, and we do plan to submit comments. Thank  
13 you very much for the extension. The point of this  
14 meeting tonight is to get some clarification on the  
15 proposed rule, and at the top of my list is that  
16 the -- as it's being proposed right now, you're  
17 proposing both an environmental assessment for  
18 decommissioning and separately, but incredibly  
19 vaguely, describe that you're going to undertake a  
20 generic environmental impact statement. But  
21 without explanation. It's my understanding that a  
22 GEIS is -- these are basically categorical  
23 exemptions from environmental assessment. And so  
24 how -- if you could give some background, please,  
25 on how you are proposing to segregate a GEIS from

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1 the environmental assessment.

2 And why you're going to handle that --  
3 how you're going to handle it, and why you're  
4 choosing to do it in the manner that you are.  
5 Thank you.

6 MR. DOYLE: Okay, I'm going to ask if  
7 an NRC staff member on the line, Stacey Imboden is  
8 an environmental subject matter expert. Stacey,  
9 would you be able to unmute, and talk about what  
10 Paul just discussed?

11 MS. IMBODEN: Yes, hi, Stacey Imboden,  
12 NRC. I think the environmental assessment you're  
13 referring to was the one mentioned earlier in the  
14 slides. And that environmental assessment was for  
15 this rulemaking activity. So, it just covers the  
16 environmental impacts of the rulemaking itself.  
17 The generic environmental impact statement for  
18 decommissioning is going to be updated as part of  
19 this rulemaking.

20 And that's on a separate path. The  
21 GEIS would cover findings that are similar between  
22 facilities and provide a determination, and then  
23 each licensee that comes in for decommissioning in  
24 their PSDAR would have to describe whether their  
25 environmental impacts of the proposed action would

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1 be bounded by either the generic environmental  
2 impact statement. Or, under this proposed rule  
3 previously issued or site-specific environmental  
4 documents. And so those are two separate things.

5 So, the environmental -- I'm not sure  
6 if that's the environmental assessment you were  
7 referring to, the one that was mentioned in the  
8 slides, but that is only covering the impacts of  
9 this rulemaking.

10 And we're required to do an  
11 environmental review for the rulemaking activities.

12 MR. GUNTER: So, can I ask a follow up?

13 MR. KLUKAN: Sure.

14 MR. GUNTER: Okay, so let me just be  
15 clear, and if you would validate my understanding.

16 The decommissioning rule, as it's currently  
17 proposed, will not provide the public with an  
18 opportunity to address concerns under the National  
19 Environmental Policy Act about decommissioning, and  
20 the environmental impacts this rule is proposing,  
21 is that correct?

22 MR. DOYLE: So, we have to comply with  
23 NEPA for all the actions -- I'm sorry. For this  
24 rulemaking activity, we're looking at all the  
25 actions that we're proposing in here, all of these

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1 changes. So, if you think that something we're  
2 proposing has an environmental impact that we have  
3 not appropriately identified, then please provide  
4 that to us as a comment.

5 So, hopefully that makes sense. But  
6 for example something --

7 MR. GUNTER: Well --

8 MR. DOYLE: Go ahead.

9 MR. GUNTER: I understand that you're  
10 saying that you're providing the public with  
11 comment, but in fact you're not providing the  
12 public with standing in any of these  
13 decommissioning proceedings. So, I'm a little  
14 confused that you would be creating a generic  
15 environmental impact statement for a broad category  
16 of exemptions which, for all we know right now,  
17 includes exempting Holtec from a million gallon  
18 radioactive water dump into the bay. That  
19 certainly would be one concern for a broad set of  
20 undefined, generic, categorical exemptions. When  
21 in fact the public is not being provided an  
22 opportunity to a hearing under the NEPA process.  
23 That's correct, right?

24 You're not going to be providing us an  
25 opportunity for standing or contentions under the

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1 National Environmental Policy Act. And at the same  
2 time you're going to create a broad category of  
3 undefined, vague, categorical exemptions. And are  
4 we going to get an opportunity -- are you going to  
5 approach this GEIS through another comment period,  
6 or what?

7 MS. HOLAHAN: Yes, the GEIS will be  
8 under a separate path and will go through the  
9 normal scoping and comment period. And you can  
10 comment then on the GEIS separately. Stacey, did  
11 you want to add anything?

12 MS. IMBODEN: Yeah, I was going to say  
13 what you had said. There would be public  
14 involvement opportunities under the process for the  
15 GEIS when it's going out in draft form at least,  
16 and most likely a period before that for scoping.  
17 We do have an existing decommissioning GEIS that  
18 goes along with the existing rules.

19 So, we would be updating the GEIS for  
20 this new proposed rule. But I just want to  
21 clarify, these are not categorical exemptions. So,  
22 the generic environmental impact statement  
23 evaluates the various resource areas, and for  
24 different plants that we've seen similar impacts.  
25 And it provides a conclusion for those types of

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1 impacts.

2 But for each licensee that comes in,  
3 they have to evaluate their environmental impacts  
4 of their action, their decommissioning action, and  
5 they have to provide the basis for whether their  
6 proposed activities under decommissioning are  
7 bounded. And so the staff evaluates that, so it's  
8 not an exemption, they still have to provide a  
9 justification, and we have to agree to that  
10 justification when we do our site specific  
11 environmental review.

12 MR. GUNTER: But the GEIS will have a  
13 category one exempted from NEPA review, correct?

14 MR. DOYLE: I think you're referring to  
15 issue where we have a generic conclusion. So, a  
16 licensee would need to look at what those  
17 assumptions were, and verify whether, or not that  
18 applies in their situation. If it does, then they  
19 would be able to adopt that generic conclusion. I  
20 think that's what you're referring to, it's not an  
21 exemption, but I think I understand what you're  
22 saying.

23 So, if they did, then they would be  
24 able to adopt the conclusion.

25 MR. GUNTER: Right, so you called the

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1 generic -- these are, in fact, what we've  
2 experienced are generic exclusions, generic  
3 exemptions that are broad categories that are  
4 shielded from NEPA review. That's our concern.  
5 Thank you.

6 MR. KLUKAN: Thank you very much for  
7 your questions and comments. So, we're now going  
8 to move to our next speaker in the room, and that  
9 is Diane Turco with Cape Downwinders.

10 MS. TURCO: Hi. Gee, it's Christmas  
11 early this year for the industry isn't it? Even  
12 before July, this is just a nice wish list for the  
13 industry. I think you really need to go back to  
14 the drawing board and look at what's going on.  
15 That you talk about the dry casks until they're in  
16 -- the waste that's in the dry casks, the life  
17 doesn't end there.

18 As you know, the radionuclides are  
19 still dangerous for tens of thousands of years, but  
20 emergency planning is now right at the fence around  
21 the pad in Plymouth, and there are 62 casks there,  
22 each holding 68 assemblies that are dangerous  
23 forever, and you think it's okay to have the safety  
24 right to the fence. So, I don't have much faith in  
25 what your proposals are at all.

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1           But I just wanted to say -- I'm  
2 exhausted, sorry. I just wanted to say that there  
3 is a mechanism to stop the radioactive dumping in  
4 the bay, it's your own regulations, CFR 20.1301(f).

5       It says the Commission may impose additional  
6 restrictions on radiation levels in unrestricted  
7 areas -- like Cape Cod Bay -- and on the total  
8 quantity of radionuclides that a licensee may  
9 release in effluents in order to restrict the  
10 collective dose.

11           So, why can't you -- we're asking you  
12 to use this regulation, and make it zero, and do  
13 that for our community. I'll say it again. It's  
14 CFR 20.1301(f). The Commission may impose  
15 additional restrictions on radiation levels in  
16 unrestricted areas -- like Cape Cod Bay -- and on  
17 the total quantity of radionuclides that a licensee  
18 may release in effluents in order to restrict the  
19 collective dose.

20           MR. DOYLE: You're correct, so there  
21 are -- I'm not an expert in that regulation, but I  
22 assume that you've looked at that. So, yes, there  
23 are standards for effluents for discharges, and  
24 just to be clear there is not a change in this  
25 regulation, this proposed rule related to that.

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1 But as Brett mentioned, if you think that there  
2 should be, or you could certainly provide that as a  
3 comment.

4 I know your interest is in the facility  
5 that's right here. We do have someone on --

6 MS. TURCO: I'm sorry, we'd like this  
7 to be implemented here, that's what I'm asking.  
8 It's already a rule, we're not asking for a change,  
9 or an addition, we'd just like to have this rule  
10 that is already in the books to be implemented.

11 MR. DOYLE: Okay, let me ask Bruce  
12 Watson, are you on the line, would you be able to  
13 discuss the request for taking action immediately  
14 for this facility that's right here, is the  
15 question.

16 MR. WATSON: Yes, thank you. And I  
17 wish I was there in Plymouth with you all, so I  
18 could have some fresh seafood from Cape Code Bay.  
19 But in implementing this rule that's already in the  
20 regulations, we would have to have a firm safety  
21 basis for doing that. And we just, at this point,  
22 do not have one. The licensee, and the regulations  
23 that we have presently, and in the license are  
24 adequate to protect the safety of the health --  
25 public health, and safety.

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1           And so we have no reason to implement  
2           that particular part of the regulation.  If there  
3           was a safety reason for it, then we could do that.

4           But to date, there is none, so thank you.

5           MS. TURCO:  Yeah, I think Senator  
6           Markey, Senator Warren, Representative Keating, all  
7           of our elected officials have said don't dump in  
8           the bay.  I think the community has said that  
9           clearly and strongly.  We have said that it will  
10          destroy the economy of the area and the  
11          environment, the health, and safety -- thank you.  
12          The health, and safety of our community.

13          And so we're saying that.  You have a  
14          public meeting today, and you want to hear about  
15          the public, and you want to hear what we want to  
16          say, and how we want to take care of our  
17          communities, and that's what we're doing.  So,  
18          we're asking you to implement that regulation for  
19          us.

20          MR. WATSON:  Like I said, we do not  
21          have a firm safety basis for implementing that part  
22          of the regulation, and we have to be a reasonable  
23          regulator and look at all aspects, whether it's the  
24          community concerns, the actual safety issue with  
25          the release, or potential release, and also the

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1 concerns with the established regulatory process  
2 that has been established by both the NRC and the  
3 EPA in setting those safe standards.

4 So, I appreciate your comment, and  
5 we'll take that into consideration as we move along  
6 in evaluating this issue. So, thank you very much.

7 MS. TURCO: I just want to make one  
8 more comment, that the EPA maximum contaminant  
9 level goal for radionuclides in water is zero.  
10 Also the National Academy of Sciences has  
11 determined there is no safe dose. So, I think the  
12 science has already backed that, we want you to  
13 act. So, public meeting, we're making a request.

14 We are asking you -- actually demanding  
15 you to follow through on your regulations. Why  
16 change something if you don't follow what you've  
17 got now?

18 MR. KLUKAN: Thank you. Sarah, we'll  
19 go to our next speaker online please.

20 MS. LOPAS: Next up we have Larry  
21 Camper. Larry, your microphone is unmuted.

22 MR. CAMPER: Thank you very much. I  
23 appreciate the NRC staff's work tonight, and the  
24 opportunity to give public comments, thank you for  
25 that. I have two questions. One is that in the

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1 Commission SRM for this rulemaking, the staff was  
2 directed to update the existing programmatic  
3 environmental impact statement, NUREG 0586.

4 What is the plan and timing for doing  
5 that? You mentioned earlier that's separate from  
6 the rulemaking, I would like to know what are your  
7 plans and schedule for doing that? My second  
8 question deals with slide 18 of the presentation,  
9 addressing financial assurance. I note that the  
10 staff is asking for more comments on the financial  
11 assurance question.

12 But in reading the description on page  
13 12302 of the FRN dealing with this financial  
14 shortage question, there is no mention of the NRC  
15 financial assurance working group that conducted an  
16 analysis and completed its report in May of 2020.  
17 In that report, the working group found no gaps or  
18 policy issues warranting a change in the process.

19 But the working group did make seven  
20 recommendations, and my question to the staff is  
21 why was a reference to the findings from that  
22 working group not mentioned within the FRN  
23 addressing the question of additional comment on  
24 financial assurance? Thank you.

25 MR. DOYLE: Okay, there were two

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1 questions there, the first one about the status,  
2 the plan forward for this update of the generic  
3 environmental impact statement. Trish, did you  
4 want to talk about that, or Stacey? I'm not sure  
5 if we have information that we could provide at  
6 this time.

7 MS. HOLAHAN: Well, we were always  
8 going to do the update to the generic impact  
9 statement on decommissioning after the rulemaking.

10 So, we have an existing generic impact statement  
11 on decommissioning. So, we're going to continue  
12 using that until we update the guides for  
13 decommissioning. And on the second issue, the  
14 reactor decommissioning financial assurance working  
15 group report.

16 We're making changes to the guidance on  
17 financial assurance as part of that update, so we  
18 are addressing it. And I'll have to take a look at  
19 the Federal Register notice and see if we should  
20 identify that as one of the possibilities.

21 MR. CAMPER: Can you still hear me?

22 MR. DOYLE: Yes.

23 MR. CAMPER: Yes, thank you for that  
24 Dr. Holahan. And I failed to introduce myself to  
25 the audience, I'm Larry Camper, I'm a retired NRC

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1 independent consultant. I do think that  
2 clarification to that item on page 12302 addressing  
3 financial assurance with regards to the findings of  
4 that financial assurance working group would help  
5 to better inform the public as to some other work  
6 that's already been done around this question.

7 And I do recognize that there is an  
8 existing programmatic environmental impact  
9 statement for the decommissioning of nuclear power  
10 plants set forth in NUREG 0586, and the staff has  
11 been requested by the Commission to update it. So,  
12 thank you, Dr. Holahan, for your comments.

13 MR. KLUKAN: Thank you very much. We  
14 will now move onto our next in room speaker, and  
15 that is Elaine, I'm sorry, I don't want to butcher  
16 your last name, I don't know if I can read it --  
17 Dickinson, sorry, with Cape Downwinders, please.

18 MS. DICKINSON: Elaine Dickinson with  
19 Cape Downwinders. I'm sitting here all night  
20 patiently like all these people listening to all of  
21 this presentation, slides, and language we don't  
22 understand, and as Henrietta eloquently said before  
23 me, gobbledygook. But I'm also staring at your  
24 logo in the corner of your screen there.

25 U.S. NRC, United States Nuclear

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1 Regulatory Commission. Everybody with me,  
2 protecting people and the environment. Is that BS,  
3 or do you people really follow that?

4 MR. KLUKAN: Thank you. Sarah, again,  
5 do we have any speakers online who have raised  
6 their hand?

7 MS. LOPAS: We have no speakers at the  
8 moment who have their hand raised. So, please go  
9 ahead, and hit that raise hand icon, like I said,  
10 if you don't see it on screen, just wiggle your  
11 mouse around, and off of the Teams screen, and that  
12 lower menu should pop up, where you should be able  
13 to see a hand icon. So, go ahead, and hit that at  
14 any point, at any time, and star five if you're on  
15 your cell phone. Nobody right now.

16 MR. KLUKAN: All right, thank you  
17 Sarah. We'll now move onto our next in person  
18 speaker then, which is Rosemary Shields.

19 MS. SHIELDS: Hi, I'm Rosemary Shields  
20 from Cape Cod Harwich, I'm also with the League of  
21 Women Voters of the Cape Cod Area. I just want to  
22 know that the NRC, and I want to say that I  
23 appreciate that it has been working on these rules  
24 since 2014. To reflect the concern of the agency  
25 about the safety, and what happened at Fukushima.

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1           So, I want to say how much I appreciate  
2           that the NRC took this very much into  
3           consideration. But then there have been years of  
4           delay from 2014 to do it now. And one wonders how  
5           things have changed. So, after several years of  
6           delay, a proposed rule was approved in a two to one  
7           vote later in November 2021.

8           The new rule laid out areas where plant  
9           operators could meet less stringent regulations  
10          during the decommissioning process. Such as no  
11          longer needing physical security plan for the  
12          reactor core after the fuel had been removed.  
13          Specifically, the rule would allow the NRC to  
14          implement incremental changes to requirements  
15          without going through an exemption or license  
16          amendment process.

17          NRC Commissioner Jeffrey Baran wrote on  
18          Twitter that the rule misses the mark and would  
19          hand too much power to licensees to make  
20          decommissioning decisions. Tilting the regulation  
21          even more towards the interests of industry. I  
22          want everybody to know that there was one board  
23          member who totally rejected this rule, and we're  
24          asking for this rule to go back to the drawing  
25          board, and reject this rule.

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1 I think the NRC did have a good  
2 intention, and one other thing. I have been going  
3 to the NDCAP for at least four years, and March  
4 28th, an NRC representative gave a presentation on  
5 radioactive doses allowable by law to be dumped  
6 into the environment. And a question was asked,  
7 what doses are allowed for sea creatures?

8 The NRC representative admitted that  
9 the science they had, and I don't know what science  
10 the NRC has, only took into consideration human  
11 adults. He continued -- human adults, not babies,  
12 not fetuses, and he continued, radioactivity on sea  
13 creatures is unknown. Pretty strong words from the  
14 NRC. It is unknown, so the question again is, why  
15 dump radioactive water into Cape Cod Bay? Thank  
16 you.

17 MR. KLUKAN: Thank you very much.  
18 We'll go to our next speaker, who I believe is  
19 Joanne Corrigan.

20 MS. CORRIGAN: Joanne Corrigan,  
21 Plymouth, Mass. I live at Priscilla Beach, right  
22 around the corner from the nuclear power plant, and  
23 I'd like to just address one of the slides that you  
24 have up. The NRC is trying to increase  
25 transparency and public trust. I mean is that a

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1 joke? We've had no trust in the NRC since the  
2 plant was in the degraded column year, after year,  
3 after year.

4 And they had an open end fix it when  
5 you get to it. And I went to an NDCAP meeting,  
6 which I hadn't been to in a while, and the two  
7 employees from Pilgrim that were there, ill-  
8 informed, had no clue what was going on, everything  
9 was we'd have to look into that and get back to  
10 you. Well, let's just talk about the gentleman  
11 from Pilgrim making the comment about half-life of  
12 radioactive elements being a week to 10 to 12 days.

13 Well, yes, if you're at work in the  
14 nuclear medicine in a hospital, those are the seeds  
15 they use for bladder cancer and things like that.  
16 I was an X-ray tech for 45 years, and I can tell  
17 you the half-life of what is over at Pilgrim is  
18 more like 50,000 years. And what the fishermen are  
19 worried about -- and all of us are worried about --  
20 is that radioactive element settling into the sand,  
21 into the krill, into the plankton, and everything  
22 else that fish consume, and my favorite thing,  
23 lobster, consume. Not to mention my grandkids,  
24 fifth generation, on that beach in that water. And  
25 I'm not worried about all these 51.140 whatever,

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1 and 90210, I'm worried about 02360, which is  
2 Plymouth, and what's going to go on here with  
3 radioactive water poured into our backyards.

4 And I'm really surprised so many people  
5 over the last couple of months were shocked when  
6 they saw this on channel four and channel five back  
7 in December. Everybody -- because they know I've  
8 been involved with the Cape Cod Tree Huggers and  
9 Downwinders for a long time -- and people are  
10 coming to me saying, is this true? They can't be  
11 doing this.

12 I'm like yeah, they are trying to do  
13 that. So, I don't know what you have to amend, all  
14 I know is it's wrong, and it's not protecting  
15 people, or the environment. Thank you.

16 MR. KLUKAN: Thank you very much. We  
17 will now go to our next speaker, who is, I think  
18 it's Benjamin Cronin.

19 MR. CRONIN: Good evening, and I'd like  
20 to thank the honorable members for having us, and  
21 for being here in Plymouth. My name is Dr.  
22 Benjamin Cronin. I'm a historian of southeastern  
23 Massachusetts. I grew up and reside in Duxbury  
24 with the cranberries, not the yacht club side for  
25 those of you who are local. I hold a PhD in

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1 history from the University of Michigan at Ann  
2 Arbor and a BA the highest honors in history and  
3 political science from Williams College.

4 I've taught at the college level of  
5 both two- and four-year institutions including in  
6 Plymouth. And I wrote my doctoral dissertation on  
7 the commons of early Plymouth County, particularly  
8 the powerful, enduring, and continuing effort by  
9 several towns to preserve their common resources.  
10 But before I get into the history here, I do wish  
11 to echo both the Lamperts, and Ms. Constantino, and  
12 Ms. Danielson.

13 This is a process that frankly strikes  
14 many of us as farcical. As the bureaucratic  
15 equivalent of when medieval scholastic philosophers  
16 would argue about how many angels can dance on the  
17 head of a pin. It's rather as attorney Scofield  
18 said at the senate subcommittee hearing on Friday.

19 An illusory process, the simulacrum of actual  
20 regulation.

21 Indeed, the Lamperts quote the NRC  
22 itself, stating that the rule is essentially  
23 designed to save the nuclear industry money, which  
24 is one of the reasons so many of us oppose it.  
25 Here is the NRC itself saying so, and the Lamperts

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1 have the citation in the documents submitted.

2 Most of the cost savings, I'm quoting,  
3 most of the cost savings are attributable to the  
4 relief of exemptions, and amendments that  
5 licensees, i.e., Holtec et al., would typically  
6 submit to the NRC for review and approval during  
7 decommissioning. I'm sorry, I'm scrolling, I'm a  
8 millennial, but not used to giving a speech off of  
9 a laptop.

10 Second, regarding the public health,  
11 and safety, which the honorable member mentioned,  
12 surely they're aware that the five communities  
13 surrounding Pilgrim have certain rates of cancer  
14 that are attributable exclusively to radionuclide  
15 exposure that are 60 percent higher than their  
16 neighboring communities not so exposed.

17 So, surely they would agree that their  
18 conclusions are at the very least possibly  
19 erroneous. Now, to the history, and our commons,  
20 this is what I wrote my original speech upon. If  
21 you look at the early town meetings of the towns  
22 around Cape Code Bay, for those of you who aren't  
23 around here, in the 17th, 18th, and early 19th  
24 centuries, you see a persistent pattern.

25 The thing the various towns almost

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1 uniformly spend the most time on, and effort, is  
2 the preservation of the commons. The commons, that  
3 is lands, waters, and resources that belong to  
4 everybody in general, and to nobody in particular.

5 Places like the sea and its shores, resources in  
6 forests and wetlands, meadows, salt marshes,  
7 running water, bog iron have been regarded as  
8 common from an early date.

9 The Code of Justinian, which codified  
10 Roman law in the 500s recognizes the idea of  
11 commons as ancient and general to all nations.  
12 Likewise, Magna Carta, the great charter of English  
13 liberties, the foundation of the common law signed  
14 by King John in 1215, and that's the same John that  
15 was Prince John in Robin Hood, and is the bad guy  
16 for a reason.

17 It's typically understood to include  
18 the charter of the forests, which restored to the  
19 common people of England their right to use the  
20 commons for things like firewood, grazing cattle,  
21 fishing, and hunting. These documents, and the  
22 rights that they contain are a part of our legal  
23 and political fabric. They quite literally precede  
24 the U.S. Constitution by over 500 years.

25 Locally, both the Wampanoag and the

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1 English inhabitants of these lands zealously  
2 guarded their common resources. For the Wampanoag,  
3 a preservation of the commons was built not only  
4 into everyday practices, but into larger systems of  
5 knowledge, metaphysics, and legend. And I know  
6 that our friends in the Herring Pond Band are  
7 deeply opposed to this.

8 The English town -- radically different  
9 from the Wampanoag in so many ways -- likewise  
10 share their concern with the commons. Here's what  
11 the Plymouth town meeting said over three centuries  
12 ago. This is on the 15th of May, 1699. Whereas  
13 sundry of the inhabitants of the town of Plymouth  
14 have been taken in certain tracts of common lands  
15 to the prejudice of sundry neighbors.

16 Whereupon the inhabitants of said town  
17 at a town meeting held at Plymouth on the 15th day  
18 of May, 1699, appointed agents for, and trustees on  
19 the behalf of said town to defend the said commons  
20 from particular intrusions. And on the town's  
21 behalf, to warn any of said inhabitants that have  
22 made any enclosure of said town's commons to remove  
23 their fences of said commons.

24 And basically they go on, and say  
25 they'll tear them down if they don't. Now, when we

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1 stand here as so many of us are tonight, in defense  
2 of these commons, we're therefore engaged in a very  
3 old effort, it's democratic with a small D,  
4 republican with a small R. And it's basically  
5 putting a question to the honorable members.

6 Which side are they on? Are they on  
7 those whom Teddy Roosevelt called the malefactors  
8 of great wealth? Or are they on the side of those  
9 that Herman Melville called the kingly commons?  
10 With all those forgoing facts in mind, my question  
11 to the honorable members is this. Will they change  
12 their rules to reflect the fact that we are  
13 supposed to live in a democracy, rather than a  
14 corporate oligarchy? Thank you and good evening.

15 MR. KLUKAN: Thank you. So, we've now  
16 exhausted the list of speakers who indicated that  
17 they wanted to speak. I know that we had -- Paul  
18 Gunter, you raised your hand again, we just wanted  
19 to check if you had a follow up question?

20 MS. LOPAS: Yeah, Paul's back, hand is  
21 raised again. Paul, I'm going to allow your mic.  
22 Go ahead.

23 MR. GUNTER: Hello, can you hear me?

24 MR. KLUKAN: We can Paul.

25 MR. GUNTER: This will be a quick

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1 question, thank you for allowing it. But the  
2 proposed rule has this hypothesis that the site is  
3 clean until proven dirty. Or it's generally  
4 expressed that way. But it's clear that there's a  
5 lot of uncertainty because the current rule is  
6 really focused on surface contamination. And  
7 there's a lot of uncertainty and unknown -- and  
8 even in the process right now, you're not looking  
9 at deep aquifer or what could be a very expensive  
10 contamination of soil running deep down.

11 So, could someone there just clarify a  
12 little bit, what your approach is right now on sub  
13 surface contamination, and how the decommissioning  
14 rule is supposed to be approaching that?

15 MR. DOYLE: Bruce Watson, are you able  
16 to address this question?

17 MR. WATSON: Yeah, I think I can. The  
18 rule as written, that we've reviewed tonight, does  
19 not address your question. The NRC already has  
20 extensive guidance in place having to do with the  
21 environmental monitoring of the site. Right now,  
22 well, all power plants and all decommissioning  
23 sites are required to do what we call a site  
24 characterization study.

25 And they sample both the surface, the

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1 subsurface, and of course the ground water  
2 associated with the plant. And they do report --  
3 they do provide that report to the NRC, because it  
4 serves as the basis for the license termination  
5 plan.

6 By coincidence, on May 11th, which is  
7 day after tomorrow, the NRC is conducting  
8 additional reviews of our subsurface issues with  
9 soils and around the power plants and other  
10 facilities. And so we are conducting a public  
11 workshop on sub surface measurements, and this is  
12 our ongoing research, and also our development of  
13 adding additional guidance to our present guidance  
14 for doing that site characterization and for  
15 monitoring the environment in and around the power  
16 plants and other types of complex material sites.  
17 So, while the rule doesn't address that, we are  
18 addressing that in a different avenue, and we are  
19 having the sub surface workshop, it'll be the  
20 second one. We had one last year, and this is May  
21 11th, I think it's in the afternoon. So, I'm sure  
22 you'll find that on our meeting website also.

23 MR. KLUKAN: Thank you Mr. Gunter. I'm  
24 actually facilitating that, it's from 12 to 5 on  
25 Wednesday, it's an all virtual. The second annual

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1 sub surface conference. That is not its complete  
2 name, but that's how I think of it in my head. So,  
3 yeah, it should be up on the public website. Our  
4 last speaker is going to be one whose name was on  
5 the list, but wasn't ready yet to give a comment,  
6 and that's Kristine Danielson.

7 MS. DANIELSON: I now have my  
8 questions, so thanks. So, I'm Kristine Danielson,  
9 I'm representing the Massachusetts Seafood  
10 Collaborative. I'm also here on behalf of the  
11 Citizens Climate Change, and also too, just for  
12 reference, I'm a former environmental studies  
13 student and a current political science student, so  
14 kind of in my wheelhouse right now.

15 So, my question to you, how do you plan  
16 on addressing the public health crisis that  
17 radioactive waste dumping is going to bring to the  
18 commonwealth? Massachusetts may be the leading  
19 state in public health and medical advances,  
20 however no community has the ability to mitigate  
21 the effects of radioactive exposure. Take it from  
22 my example.

23 Back in the 70s, my family was directly  
24 affected by water contamination. Some may remember  
25 the civil action in Hoover, Massachusetts -- yeah,

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1 exactly. Well, if you look at that map, there's a  
2 big red dot right on my house. My grandfather was  
3 one of the individuals to get non-Hodgkin's  
4 lymphoma from exposure.

5 How do you plan on addressing someone  
6 like me, and my family, and tell me that  
7 contaminated water is safe? I bet you you can't.  
8 I'd love to hear your thoughts. They don't.

9 MR. KLUKAN: So, the question is being  
10 asked by the audience, just so we capture it for  
11 the record, is whether anyone from the NRC, or  
12 Holtec live within the Cape Code Bay area. So, I  
13 can speak on behalf of Region I, when the residents  
14 were there at Pilgrim, of course we had the  
15 resident inspectors who lived there. I can't speak  
16 on behalf of Holtec.

17 I don't know how many of them lived  
18 within the area, and I would not want to speculate  
19 on that point. I appreciate that, thank you.

20 MS. DANIELSON: Just one quick thing,  
21 do you guys have a response to my question?  
22 Respectfully.

23 MR. KLUKAN: So, I think your question  
24 was basically how would we address the impact of  
25 contamination?

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1 MS. DANIELSON: Yeah, and how can you  
2 look at someone like me straight in the face, and  
3 tell me that cancer is not going to be an issue  
4 when I've seen it firsthand?

5 MR. DOYLE: We do the best we can with  
6 the information we have, and I'm sorry that your  
7 family was impacted.

8 MS. DANIELSON: Okay, so you'll do the  
9 best you can after the dumping, or before?

10 MR. DOYLE: We have requirements in  
11 place for effluent discharges, and we believe that  
12 we're protecting the public.

13 MS. DANIELSON: Okay, would you say  
14 that you're protecting the public to all of the  
15 oncologists in Boston? Because I think they'd have  
16 other answers. Thank you.

17 MR. KLUKAN: So, I think this is going  
18 to be it though, because we're already over, and we  
19 have limited amount of time with our police  
20 officers being here. So, we're going to go to Mary  
21 Lampert on the phone, and then we'll go to you,  
22 okay? So Mary, you had your hand raised, right?

23 MS. LOPAS: Mary, I've enabled your  
24 mic, so press star six on your pone.

25 MR. LAMPERT: You actually have Jim

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1 Lampert, Mary is sitting across from me. There's  
2 been a lot of references tonight -- can you hear  
3 me?

4 MR. KLUKAN: Yes, we can.

5 MR. LAMPERT: There have been a lot of  
6 references tonight to quote guidance, quote. And I  
7 think what the people you are talking to need to  
8 realize is that guidance is not regulation. It  
9 does not require any licensee to do anything. And  
10 I think the second thing that they need to know is  
11 that guidance, at least as I have followed it,  
12 seems to be drafted at least as much by the nuclear  
13 industry, as by anyone who has anything perhaps on  
14 the other side.

15 MS. LAMPERT: And Mary would add would  
16 you suggest that instead of speed limits on our  
17 highways, we have suggestions? We recommend that  
18 you consider going at 60 miles an hour. Think  
19 about it.

20 MR. KLUKAN: Thank you very much. So,  
21 I think -- and again, this will be our last  
22 speaker. While she's speaking, can we put up the  
23 slide again on how to make comments?

24 MS. COSENTINO: Yes, I just wanted, as  
25 a follow up to Kristine's question, which I feel

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1 very much because I, too, had a sibling who  
2 perished from leukemia as a direct result of  
3 radiation from fall out. But my question is there  
4 was a study -- two studies I believe, done by  
5 Richard Clapp, I think he was associated with you  
6 in the 1990s.

7 Which really focused on incidents of  
8 cancer around nuclear installations around Pilgrim.

9 And since that time, I believe the NRC was going  
10 to do a follow up study, but ended up not doing it.

11 Why?

12 MS. HOLAHAN: I think the study you're  
13 referring to was, we were going to have the  
14 National Academy -- I recall, look at cancer  
15 incidence around the nuclear power plants. And we  
16 were going to go in with DOE and EPA, and we  
17 couldn't get the funding.

18 MR. KLUKAN: So, again, we've heard  
19 lots of -- many of your concerns tonight. Again,  
20 this is why we put this up again. These are how to  
21 submit your formal comments to the NRC. You have  
22 three ways of doing it. Again, don't do duplicate  
23 methods, pick your favorite one, and run with that  
24 one, all right? So, thank you very much for,  
25 again, taking time out of your night to participate

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1 in this process, I really appreciate it personally.  
2 And with that, I'm going to turn it over to Trish.  
3 Thank you.

4 MS. HOLAHAN: Thank you very much all  
5 of you for coming out, and participating by phone.

6 It's been very enlightening, and thanks for  
7 providing your comments verbally, but I really hope  
8 you provide your comments in writing, and we'll  
9 take those into consideration when we finalize the  
10 rule, or we'll provide something to the Commission.

11 So, thank you very much.

12 MR. KLUKAN: All right, thank you very  
13 much. Again, the meeting feedback form is up on  
14 the screen, I would really appreciate it,  
15 particularly those who participated virtually, if  
16 you could give us your comments on how that went  
17 for you. We're still learning how to do virtual  
18 meetings. So, thank you everyone again, and the  
19 meeting is now officially closed. Thank you, have  
20 a good night.

21 (Whereupon, the above-entitled matter  
22 went off the record at 8:37 p.m.)  
23  
24  
25

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