TOWN OF PLYMOUTH

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February 9, 2016

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

ATTN: Rulemakings and Adjudications Staff

To Whom It May Concern:

The Town of Plymouth, Massachusetts, Pilgrim Nuclear Power Station host community since 1972, is pleased to provide the U.S. Nuclear Regulatory Commission feedback related to the U.S. Nuclear Regulatory Commission's Advanced Notice of Proposed Rulemaking (Docket No. NRC-2015-0070).

Please find the Town of Plymouth's feedback, in response to the series of questions posed in the docket, attached for your reference.

In addition to the specific feedback, the Town of Plymouth would like to share feedback that relates to two issues not addressed in the docket.

First, the Town of Plymouth respectfully requests additional rulemaking hearings take place in a variety of locations across the U.S. Given Plymouth's limited financial resources, fully participating in a rulemaking process centered on the NRC's headquarters has already proven challenging. It is likely that a number of communities across the nation are in a similar position. Plymouth encourages the NRC to hold additional rulemaking hearings in the host communities, or at the regional level where the closure is due to take place, or underway.

In addition, the Town of Plymouth respectfully requests that host communities actively and substantively participate in the decommissioning process on a continual basis. The Nuclear Energy Institute serves as a unified industry voice and has formed a Decommissioning Task Force to advise the NRC. Plymouth strongly recommends that the NRC support a similar framework for host communities. Plymouth believes it is also important that host communities provide advice and guidance to the NRC on

decommissioning issues, related to economic, fiscal, employment, and environmental impacts.

The Town of Plymouth looks forward to working cooperatively with the NRC in the coming years as the decommissioning process for Entergy's Pilgrim Nuclear Power Station evolves. If there are any questions related to the feedback, provided above and in the attached document, please do not hesitate to contact the Town Manager's Office at 508-747-1620, ext. 100.

Sincerely,

Kenneth Tavares, Chair
Plymouth Board of Selectmen

C: Senator Elizabeth Warren
Senator Edward Markey
Congressman William Keating
Massachusetts Governor Charlie Baker
Attorney General Maura Healey
Representative Viriato deMacedo
Representative Mathew Muratore
Representative Thomas Calter
Representative Randy Hunt

Town of Plymouth, Massachusetts Feedback
U.S. Nuclear Regulatory Commission's Advanced Notice of Proposed Rulemaking
(Docket No. NRC-2015-0070)

A. QUESTIONS RELATED TO EMERGENCY PREPAREDNESS REQUIREMENTS FOR DECOMMISSIONING POWER REACTOR LICENSEES

ITEM	DESCRIPTION	TOWN OF PLYMOUTH'S FEEDBACK
EP-3	a. Presently, licensees at decommissioning sites must maintain the following capabilities to initiate and implement emergency response actions: Classify and declare an emergency, assess releases of radioactive materials, notify licensee personnel and offsite authorities, take mitigative actions, and request offsite assistance if needed. What other aspects of onsite EP and response capabilities may be appropriate for licensees at decommissioning sites to maintain once the requirements to maintain formal offsite EP are discontinued?	**Existing response actions should remain in place during decommissioning and until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
	b. To what extent would it be appropriate for licensees at decommissioning sites to arrange for offsite assistance to supplement onsite response capabilities? For example, licensees at decommissioning sites would maintain agreements with offsite authorities for fire, medical, and law enforcement support.	**Licensees at decommissioning sites should maintain agreements with offsite authorities for fire, medical, and law enforcement support, as well as local elected officials such as mayors and boards of selectmen.** **Commissioners should consider the value in the cooperative agreement and grant process to the State and host community. These agreements would assist government and offsite response organizations in carrying out functions relating to emergency preparedness and response in the event of any accidents or other unplanned occurrences associated with decommissioned reactors and with the construction and operation of spent fuel storage facilities.**

		At a minimum emergency preparedness and response requirements for decommissioning reactors and spent fuel storage facilities should incorporate the following into cooperative agreements and grants supported by the Licensee: **A. Description of emergency actions, strategies, and training taken to assist the State & host community governments in carrying out functions relative to local emergency preparedness and onsite response. (e.g. Plans, Procedures, Communication Protocols)** **B. Description of equipment (e.g. NFPA approved ensembles, firefighting response, and security equipment), environmental monitoring equipment, and emergency medical and public health support required (e.g.; Radiation Exposure / Acute Radiation Syndrome (ARS) treatment capabilities)** **C. Annual assessment of the safety status and integrity of the onsite spent fuel storage operations and host community emergency preparedness and response readiness.** **D. Accounting of all funds expended through cooperative agreement and grants for activities carried out to ensure accountability and readiness reporting.** **E. Recognition that additional assistance may be provided from the Licensee for capabilities to respond to emergencies involving onsite operations.**

		180 Days following termination of the decommissioning process and removal of spent fuel storage, all cooperative agreements and grants with respect to the emergency preparedness and response will be terminated."
	c. What corresponding changes to § 50.54(s)(2)(ii) and 50.54(s)(3) (about U.S. Federal Emergency Management Agency (FEMA)-identified offsite EP deficiencies and FEMA offsite EP findings, respectively) may be appropriate when offsite radiological emergency plans would no longer be required?	**Offsite response actions should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
EP-4	a. Should § 50.54(q) be modified to recognize that nuclear power reactor licensees, once they certify under § 50.82, "Termination of License," to have permanently ceased operation and permanently removed fuel from the reactor vessel, would no longer be required to meet all standards in § 50.47 and all requirements in appendix E? If so, describe how.	**Requirements should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
	b. Should nuclear power reactor licensees, once they certify under § 50.82 to have permanently ceased operation and permanently removed fuel from the reactor vessel, be allowed to make emergency plan changes based on § 50.59, "Changes, Tests, and Experiments," impacting EP related equipment directly associated with power operations? If so, describe how this might be	**Requirements should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**

	addressed under § 50.54(q).	
EP-5	Should § 50.54(t) be clarified to distinguish between EP program review requirements for operating versus permanently shut down and defueled sites? If so, describe how.	**Requirements should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
EP-6	At what point(s) in the decommissioning process should ERDS activation, ERDS equipment, and the instrumentation for obtaining ERDS data, no longer be necessary?	**Requirements should remain in until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
EP-7	What changes to § 50.72(a)(1)(i) should be considered for decommissioning sites?	**Notification Requirements should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
EP-8	What changes to § 50.72(b)(3)(xiii) should be considered for decommissioning sites?	**Reporting requirements should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**

A. QUESTIONS RELATED TO THE PHYSICAL SECURITY REQUIREMENTS FOR DECOMMISSIONING POWER REACTOR LICENSEES

ITEM	DESCRIPTION	TOWN OF PLYMOUTH'S FEEDBACK
PSR-1	(Intentionally blank)	**No security requirements should be considered for change, and all security requirements that exist for an operating plant should remain in place until 180 days following the termination of the**

		decommissioning process and the removal of spent fuel storage.
PSR-2	a. Are there any suggested changes to the physical security requirements in 10 CFR part 73 or its appendices that would be generically applicable to a decommissioning power reactor while spent fuel is stored in the SFP (*e.g.,* are there circumstances where the minimum number of armed responders could be reduced at a decommissioning facility)? If so, describe them.	**Security requirements that exist for an operating plant should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
	b. Which physical security requirements in 10 CFR part 73 should be generically applicable to spent fuel stored in a dry cask independent spent fuel storage installation?	**Security requirements that exist for an operating plant should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
	c. Should the DBT for radiological sabotage continue to apply to decommissioning reactors? If it should cease to apply in the decommissioning process, when should it end?	**The DBT requirements that exist for an operating plant for radiological sabotage should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
PSR-3	(Intentionally blank)	**The same security requirements that exist for an operating plant should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
PSR-6	a. Section 73.54 clearly states that the requirements for protection of digital computer and communications systems and networks apply to	**The language in the "preamble" to 10 CFR 73.54 should be modified to include licensees in a period of "continued effectiveness," as described in 10 CFR**

	power reactors licensed under 10 CFR part 50 that were licensed to operate as of November 23, 2009. However, § 73.54 does not explicitly mention the applicability of these requirements to power reactors that are no longer authorized to operate and are transitioning to decommissioning. Are any changes necessary to § 73.54 to explicitly state that decommissioning power reactors are within the scope of § 73.54? If so, describe them.	**50.51(b), including ISFSI-only sites. Furthermore, the same digital security requirements that exist for an operating plant should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
	b. Should there be reduced cyber security requirements in § 73.54 for decommissioning power reactors based on the reduced risk profile during decommissioning? If so, what would be the recommended changes?	**The same cyber security requirements that exist for an operating plant should remain in place until all spent fuel is removed from the site, and there should be no reduction in cyber security requirements for decommissioning power reactors.**

C. QUESTIONS RELATED TO FITNESS FOR DUTY (FFD) REQUIREMENTS FOR DECOMMISSIONING POWER REACTOR LICENSEES

ITEM	DESCRIPTION	TOWN OF PLYMOUTH'S FEEDBACK
FFD-2	a. Should any of the fatigue management requirements of 10 CFR part 26, subpart I, apply to a permanently shut down and defueled reactor? If so, which ones?	**All existing fatigue management requirements should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
	b. Based on the lower risk of an offsite radiological release from a decommissioning reactor, compared to an operating reactor, should only specific classes of workers, as identified in § 26.4(a) through (c), be subject to fatigue management requirements	**All existing fatigue management requirements should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**

	(*e.g.,* security officers or certified fuel handlers)? Please provide what classes of workers should be subject to the requirements and a justification for their inclusion.	
	c. Should the fatigue management requirements of 10 CFR part 26, subpart I, continue to apply to the specific classes of workers identified in response to question b above, for a specified period of time (*e.g.,*until a specified decay heat level is reached within the SFP, or until all fuel is in dry storage)? Please provide what period of time workers would be subject to the requirements and the justification for the timing.	**All existing fatigue management requirements should remain in place during decommissioning until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
	d. Should an alternate approach to fatigue management be developed commensurate with the plant's lower risk profile? Please provide a discussion of the alternate approach and how the measures would adequately manage fatigue for workers.	**All existing fatigue management requirements should remain in place until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**

E. QUESTIONS RELATED TO THE CURRENT REGULATORY APPROACH FOR DECOMMISSIONING POWER REACTOR LICENSEES

ITEM	DESCRIPTION	TOWN OF PLYMOUTH'S FEEDBACK
REG-1	a. Should the current options for decommissioning—DECON, SAFSTOR, and ENTOMB—be explicitly addressed and defined in the regulations instead of solely in guidance documents, and how so?	**The current options for decommissioning—DECON, SAFSTOR, and ENTOMB— should be explicitly addressed and defined in the regulations and the NRC should explicitly discuss the risks and benefits**

		associated with each.
	b. Should other options for decommissioning be explored? If so, what other technical or programmatic options are reasonable and what type of supporting documents would be most effective for providing guidance on these new options or requirements?	**Best practices for other forms of decommissioning should be explored, presented and discussed. For example, the NRC should consider a new decommissioning option that enables non-radiological contamination and hazardous wastes to be cleaned up immediately after shutdown, while reactors utilizing SAFSTOR prepare for dormancy.**
	c. The NRC regulations state that decommissioning must be completed within 60 years of permanent cessation of operations. A duration of 60 years was chosen because it roughly corresponds to 10 half-lives for cobalt-60, one of the predominant isotopes remaining in the facility. By 60 years, the initial short-lived isotopes, including cobalt-60, will have decayed to background levels. In addition, the 60-year period appears to be reasonable from the standpoint of expecting institutional controls to be maintained. Completion of decommissioning beyond 60 years will be approved by the NRC only when necessary to protect public health and safety. Should the requirements be changed so that the timeframe for decommissioning is something other than the current 60-year limit? Would this change be dependent on the method of decommissioning chosen, site specific characteristics, or some other combination of factors? If so, please describe.	**A timeframe based on the decay of Cobalt-60 inadvertently places an unreasonable burden on host communities, and a more appropriate timeframe would be related directly to the technological and financial capacities of plant owners. Acknowledgement and discussion of new technologies should be reviewed before the 60-year limit is approved.**
REG-2	a. Is the content and level of detail currently required for the licensee's PSDAR, adequate? If not, what	**The PSDAR should also quantify socio-economic impacts pertaining to the shutdown of the plant if**

	should be added or removed to enhance the document?	**the reactor decommissioning would lead to the cessation of all power generation on site, and include a requirement that licensees compensate host communities for spent fuel storage. The fact that the DOE has been found financially liable to the licensees for spent fuel storage costs demonstrates that there is a value to spent fuel storage, and host communities could be compensated within that framework. Furthermore, the decommissioning cost estimates included in the PSDAR should include a "status quo" scenario for the DOE's acceptance of spent fuel, to reflect the fact that the DOE has no temporary or permanent repository (some cost estimates now assume the removal of spent fuel from the site starting in 2020, which is overly optimistic).**
	b. Should the regulations be amended to require NRC review and approval of the PSDAR before allowing any "major decommissioning activity," as that term is defined in § 50.2, to commence? What value would this add to the decommissioning process?	**Yes. Continued NRC oversight is crucial to the safety of host communities.**
REG-3	a. Should the current role of the States, members of the public, or other stakeholders in the decommissioning process be expanded or enhanced, and how so?	**Licensees should be required to create a community advisory board and solicit public advice. Host communities must be given a voice in the decommissioning process and in setting the requirements for the safety and security of spent fuels storage.**

	b. Should the current role of the States, members of the public, or other stakeholders in the decommissioning process for non-radiological areas be expanded or enhanced, and how so? Currently, for all non-radiological effluents created during the decommissioning process, licensees are required to comply with EPA or State regulations related to liquid effluent discharges to bodies of water.	**In addition to complying with EPA or State regulations related to liquid effluent discharges to bodies of water, all pertinent local regulations should be included.**
	c. For most decommissioning sites, the State and local governments are involved in an advisory capacity, often as part of a Community Engagement Panel or other organization aimed at fostering communication and information exchange between the licensee and the public. Should the NRC's regulations mandate the formation of these advisory panels?	**Community Engagement must be a requirement and should include all issues related to the environment, safety, spent fuel storage, host community compensation, and other socio-economic impacts to the host community. NRC regulations should ensure funding support from licensees and states for the Community Engagement Panels to meet necessary expenditures for staff time, space, facilitation or research needs, et cetera.**

G. QUESTIONS RELATED TO DECOMMISSIONING TRUST FUND

ITEM	DESCRIPTION	TOWN OF PLYMOUTH'S FEEDBACK
DTF-1	Should the regulations in §§ 50.75 and 50.82 be revised to clarify the collection, reporting, and accounting of commingled funds in the decommissioning trust fund, that is in excess of the amount required for radiological decommissioning and that has been designated for other purposes, in order to preclude the need to obtain exemptions for access to the excess monies?	**The regulations should be revised to clarify the collection, reporting, and accounting of commingled funds in the decommissioning trust fund, that is in excess of the amount required for radiological decommissioning and should include the cost of spent fuel storage and removal.**

DTF-2	a. What changes should be considered for §§ 50.2 and 50.82(a)(8) to clarify what constitutes a legitimate decommissioning activity?	**The guidance should codify "(1) the maintenance and storage of spent fuel, (2) the design and/or construction of a spent fuel dry storage facility, (3) activities that are not directly related to supporting long-term storage of the facility, or (4) any other activities not directly related to radiological decontamination of the site." Workforce training and host community compensation should also be added to this list.**
	b. Regulations in § 50.82(8)(ii) states that 3 percent of the decommissioning funds may be used during the initial stages of decommissioning for decommissioning planning activities. What should be included or specifically excluded in the definition of "decommissioning planning activities?"	**The definition of "decommissioning planning activities" should include the resolution of any and all negotiations between the licensee and local and state entities that pertain to decommissioning-induced changes to property valuation, tax revenues, emergency planning, workforce adjustments, regional economic impacts, and non-radiological site cleanup. "Decommissioning planning activities" should also include related planning work carried out by host communities, to fairly compensate officials involved in the process.**

H. QUESTIONS RELATED TO OFFSITE LIABILITY PROTECTION INSURANCE REQUIREMENTS FOR DECOMMISSIONING POWER REACTOR LICENSEES

ITEM	DESCRIPTION	TOWN OF PLYMOUTH'S FEEDBACK
LPI-1	a. Should the NRC codify the current conservative exemption criteria (*i.e.,*10 hours to take mitigative actions) that have been used in granting decommissioning reactor licensees exemptions to § 140.11(a)(4)?	**Ten hours should be codified as the maximum amount of time allowed.**

	c. The use of $100 million for primary liability insurance level is based on Commission policy and precedent from the early 1990s. The amount established was a qualitative value to bound the claims from the Three Mile Island accident. Should this number be adjusted?	**The number should not be changed.**
	d. What other factors should be considered in establishing an appropriate primary insurance liability level (based on the potential for damage claims) for a decommissioning plant once the risk of any kind of offsite radiological release is highly unlikely?	**Consideration should be given to insuring the safe transport of spent fuel off site.**

I. QUESTIONS RELATED TO ONSITE DAMAGE PROTECTION INSURANCE REQUIREMENTS FOR DECOMMISSIONING POWER REACTOR LICENSEES

ITEM	DESCRIPTION	TOWN OF PLYMOUTH'S FEEDBACK
ODI-1	a. Should the NRC codify the current exemption criteria that have been used in granting decommissioning reactor licensees exemptions from § 50.54(w)(1)? If so, describe why.	**The required level of onsite property damage insurance should not be until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**
	b. The use of $50 million insurance level for bounding onsite radiological damages is based on a postulated liquid radioactive waste storage tank rupture using analyses from the early 1990s. Should this number be adjusted? If so, describe	**The required level of onsite property damage insurance should not be reduce until 180 days following the termination of the decommissioning process and the removal of spent fuel storage.**

J. GENERAL QUESTIONS RELATED TO DECOMMISSIONING POWER REACTOR REGULATIONS

ITEM	DESCRIPTION	TOWN OF PLYMOUTH'S FEEDBACK
GEN-1	(Intentionally blank)	**The NRC should develop SAFSTOR-specific training programs for employees maintaining and monitoring long-lived passive structures and components. The NRC should also adopt regulations to clarify site management responsibilities in the event that a licensee goes out of business or no longer exists.**
GEN-2	(Intentionally blank)	**Yes.**
GEN-5	d. Please provide any suggested changes that would further enhance benefits or reduce risks that may not have been addressed in this ANPR.	**Reactor decommissioning places host communities with single-reactor plants at an elevated risk of prolonged economic hardship. Therefore, the NRC should consider revising section 4.3.12 of the "Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities," which addressed socioeconomic impacts associated with reactor decommissioning and determined that such impacts were "neither detectable nor destabilizing." Furthermore, the NRC should consider revising its decommissioning cost estimates to more accurately reflect the decommissioning cost estimates filed in recent PSDARs.**