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April 16, 2019

Ms. Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Subject: NEI Comments on Agency Activities in Response to a Portion of the Nuclear Energy Innovation and Modernization Act; Docket ID: NRC-2019-0073

Project Number: 689

Dear Ms. Vietti-Cook:

On March 18, 2019, the U.S. Nuclear Regulatory Commission (NRC) issued a notice in the *Federal Register* soliciting public comments on "Agency Activities in Response to a Portion of the Nuclear Energy Innovation and Modernization Act."¹ The NRC is tasked with undertaking activities to implement the Nuclear Energy Innovation and Modernization Act (NEIMA) and developing a report identifying best practices for establishment and operation of local community advisory boards associated with decommissioning activities, including lessons learned from existing boards. As required by the act, the report is to be informed by consultation with host states of decommissioning sites, communities within the Emergency Planning Zone, and existing community advisory boards. This consultation also must include ten public meetings in locations that ensure geographic diversity across the United States.

In response to the NRC's March 18 *Federal Register* notice requesting stakeholder input to inform the agency's selection of public meeting locations, Nuclear Energy Institute (NEI)² offers the following on behalf of the nuclear energy industry:

- Effective public engagement has been integral to the industry's considerable success with decommissioning. We believe that the NRC's effort to identify best practices will find that the

¹ 84 *Fed. Reg.* 9841 (Mar. 18, 2019); "Agency Activities in Response to a Portion of the Nuclear Energy Innovation and Modernization Act."

² The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

principles for effective public engagement (i.e., best practices) are well understood and appropriately implemented across the nuclear fleet.

- In their effort to identify best practices, NRC should hold public meetings only in locations near plants that have either completed or nearly completed the decommissioning process because that is where best practices can be most thoroughly explored. In contrast, holding public meetings near operating reactors (or even reactors that are only in the earliest stages of decommissioning) would not elicit relevant information.
- As industry experience shows that one size does not fit all, the NRC should conduct the public meetings at a range of locations and recognize that "best practices" can include different approaches best suited to the interests of particular communities. Said differently, what works in one location may not work in another.

The NRC's examination of best practices in public engagement under NEIMA should not delay the rulemaking to improve the transition to decommissioning. The primary purpose of that rulemaking "is to implement appropriate regulatory changes that reduce the number of licensing actions needed during decommissioning."³ Achieving this objective does not depend on identifying best practices for community advisory boards. Furthermore, "implementation of a more formal structure to create a community advisory board . . . is not necessary for protection of public health and safety."⁴

Thank you for the opportunity to provide NEI's views. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Rod McCullum

C: John Lubinski, NSIR
Mike Layton, NMSS/DSFM
John Tappert, NMSS/DUWP

³ 80 Fed. Reg. 72,358, 72,361 (Nov. 19, 2015), "Regulatory Improvements for Decommissioning Power Reactors," Advance Notice of Proposed Rulemaking.

⁴ Regulatory Basis Document, Regulatory Improvements for Power Reactors Transitioning to Decommissioning at H-53 (Nov. 20, 2017) (ML17215A010).

McCloskey, Bridin

Attachments: 04-16-19_NRC_Industry Comments on NEIMA.PDF

From: McCULLUM, Rodney <rxm@nei.org>
Sent: Tuesday, April 16, 2019 4:40 PM
To: Vietti-Cook, Annette <Annette.Vietti-Cook@nrc.gov>
Cc: Tappert, John <John.Tappert@nrc.gov>; Layton, Michael <Michael.Layton@nrc.gov>; Lubinski, John <John.Lubinski@nrc.gov>
Subject: [External_Sender] NEI Comments on Agency Activities in Response to a Portion of the Nuclear Energy Innovation and Modernization Act; Docket ID: NRC-2019-0073

THE ATTACHMENT CONTAINS THE COMPLETE CONTENTS OF THE LETTER

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