

**COMMENTS TO NRC CONCERNING
BEST PRACTICES FOR THE ESTABLISHMENT AND OPERATION OF
LOCAL COMMUNITY ADVISORY BOARDS RELATING TO THE
DECOMMISSIONING OF NUCLEAR POWER PLANTS**

(Delivered to NRC's 8/27/19 Meeting in San Luis Obispo California)
(Alex S. Karlin)

My name is Alex S. Karlin. I am an environmental attorney and a resident of the City of San Luis Obispo, California. I live 12 miles from the Diablo Canyon Nuclear Power Plant.

I have served as an enforcement attorney at USEPA and an Administrative Judge with the USNRC in Washington. As an NRC judge, I presided over litigation involving Yucca Mountain and Diablo Canyon (and others). I also served as Associate General Counsel for British Nuclear Fuels, Inc., a nuclear decommissioning and radiation remediation company in the United States.

I am member of the Diablo Canyon Decommissioning Engagement Panel. I am not speaking for the Panel.

I wish to thank Mr. Watson and the entire NRC team for coming to San Luis Obispo today to discuss this important topic.

I also want to thank Congressman Carbajal for his leadership, for his urging that NRC hold this meeting in SLO, and for his being here today.

Prior to this meeting, I have submitted three emails to you on this topic.

8/12/19: Email to Mr. Watson and NRC with attached Nine Page document "Preliminary Comments on Best Practices." Including 22 suggested best practices

8/19/19: Email to Mr. Watson and NRC including five questions that I had asked orally during a conference call with NRC on that same date.

8/22/19: Email to Mr. Watson and NRC urging that they publicize their upcoming public meetings.

I ask that you include those documents as formal comments in this proceeding, and that, when you write your report to Congress, you respond to those comments.

Now, as you know, the agenda for tonight is mandated by NEIMA, the federal law. The agenda is limited to one essential topic: WHAT CONSTITUTES BEST PRACTICES FOR THE ESTABLISHMENT AND OPERATION OF LOCAL COMMUNITY ADVISORY BOARDS FOR THE DECOMMISSIONING OF NUCLEAR POWER PLANTS.

On this topic, I have four main points:

1. A "BEST PRACTICES" COMMUNITY ADVISORY BOARD MUST BE ESTABLISHED AND OPERATED TO BE "ADVISORY," THAT IS, TO HAVE "ADVICE" AS IT'S PRIMARY FUNCTION

By definition, the function of an advisory board is to give advice. Under the Federal Advisory Committee Act, the California Brown Act, and even the municipal code of tiny San Luis Obispo, the charter and mission of every advisory board is to give advice. It is NOT to "foster communications." It is not to "engage the public" or to "exchange information." It is to render advice and recommendations to the entity that created it. Thus, when NRC issues its report to Congress as to WHAT CONSTITUTES BEST PRACTICES FOR THE ESTABLISHMENT AND OPERATION OF A LOCAL CAB, I urge you to focus on the best way to charter and create an ADVISORY board.

2. A "BEST PRACTICES" COMMUNITY ADVISORY BOARD MUST BE ESTABLISHED AND OPERATED TO BENEFIT THE COMMUNITY, NOT THE NUCLEAR PLANT OPERATOR

By definition, a CAB should be created BY the community and FOR the community. NRC's "Best Practices" report must recognize this essential point, and evaluate all CABs accordingly.

3. IF THE PURPOSE OF A LOCAL PANEL IS "TO ENGAGE" THE COMMUNITY, OR TO "FOSTER COMMUNICATIONS" OR TO "EDUCATE" THE COMMUNITY, THEN IT IS NOT A COMMUNITY ADVISORY BOARD AND NOT A BEST PRACTICE CAB

Throughout this country there are two main types of decommissioning boards. Some are chartered by the State and local community to advice and serve the community. Some are created by the Nuclear Plant Operator for the Nuclear Plant Operator. The former are Best Practices. The latter are, wittingly or nor, public relations tools for the Nuclear Plant Operator and should be avoided as Inferior Practices. Engagement Panels are merely a stage, where the public can vent its spleen, have a public catharsis, and go home. They have no discernable impact on any decision-maker. After a bit of public fireworks and public venting, the NRC and the Nuclear Plant Operator can go ahead and do what they planned to do anyway.

4. THE DIABLO CANYON DECOMMISSIONING ENGAGEMENT PANEL IS NOT AN "ADVISORY BOARD" AND IS NOT A BEST PRACTICE

I am a member of the Diablo Canyon Decommissioning Engagement Panel and I can tell you from direct personal experience that it is basically a public relations tool for PG&E. It was created BY PG&E FOR PG&E. PG&E wrote our Charter. We are to serve as a "conduit" for information and to help PG&E with "public engagement." Just a lot of "chin music." The words "advice" and "advisory" never appear once in the Panel's charter.

You heard earlier, that the Panel has PROPOSED some changes to its charter. All of them are "cosmetic." For example, our website used to be on PG&E's website. Now we have our own website. Optics. All the money and technical support for the Panel come from PG&E. And all of the changes you heard about earlier are only "proposed" because the Panel can do nothing without PG&E's permission. Even PG&E approves our suggestions, it still retains a veto over everything.

CONCLUSION

In addition to the documents I submitted to NRC earlier, I now wish to submit into the record of this proceeding three additional documents, as follows:

1. Three Examples of Best Practices for the Establishment and Operation of Local Community Advisory Boards for Decommissioning." 8/12/19;
2. Twenty Two Best Practices for Establishing and Operation of Local Decommissioning Community Advisory Boards. 8/12/19;
3. Preliminary Comments to NRC on Best Practices for the Establishment and Operation of Local Community Advisory Boards for Decommissioning Nuclear Power Plants." 8/12/19

Thank you for coming here tonight and listening.

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