

# PUBLIC SUBMISSION

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Template = ADM-013

E-RIDS=ADM-03

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COMMENT (12)

PUBLICATION DATE:

9/27/2019

CITATION 84 FR 51189

**As of:** 11/19/19 5:40 PM

**Received:** November 15, 2019

**Status:** Pending\_Post

**Tracking No.** 1k3-9dc4-csel

**Comments Due:** November 15, 2019

**Submission Type:** Web

**Docket:** NRC-2019-0073

Agency Activities in Response to a Portion of the Nuclear Energy Innovation and Modernization Act

**Comment On:** NRC-2019-0073-0030

Stakeholder Input on Best Practices for Establishment and Operation of Local Community Advisory Boards in Response to a Portion of the Nuclear Energy Innovation and Modernization Act

**Document:** NRC-2019-0073-DRAFT-0039

Comment on FR Doc # 2019-21012

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## General Comment

Comments Attached.

## Attachments

UW\_Comments\_ :Docket NRC-2019-0073\_111519

# Uranium Watch

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November 15, 2019

Docket ID NRC-2019-0073

Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Program Management, Announcements and Editing Staff

Re: Docket ID NRC-2019-0073. Stakeholder Input on Best Practices for Establishment and Operation of Local Community Advisory Boards in Response to a Portion of the Nuclear Energy Innovation and Modernization Act

Dear Commission Members:

## 1. INTRODUCTION

1.1. Below please find comments by Uranium Watch regarding Best Practices for Establishment and Operation of Local Community Advisory Boards in Response to a Portion of the Nuclear Energy Innovation and Modernization Act. Uranium Watch is a not-for profit organization that has been involved in a number of public processes related to Nuclear Regulatory Commission (NRC), Department of Energy (DOE), and various state decisions applicable to the nuclear fuel chain decision making. These include the NRC and DOE determinations related to the Moab (former Atlas) Uranium Mill, Moab, Utah, DOE Legacy Management, and the San Onofre Nuclear Reactor decommissioning.

1.2. Senate Bill 512 (S 512), the “Nuclear Energy Innovation and Modernization Act,” Section 108, provides an outline of the report Identifying Best Practices for Establishment and Operation of Local Community Advisory Boards. Below are responses to some of the recommended contents of the report.

1.3. The NRC must recognize that currently there is no permanent repository for the disposition and long-term care of irradiated nuclear fuel—and none contemplated in the near or distant future. There is no acceptable site for a deep geologic repository and none contemplated or recommended. The only site contemplated by the DOE and NRC—the Yucca Mt. site in Nevada—is geologically unacceptable and has been opposed by the

State of Nevada for decades. This is of primary significance to the decommissioning of any reactor site. Therefore, any responsible planning for decommissioning must include ending the production of additional irradiated fuel.

## 2. BEST PRACTICES REPORT - CONTENTS

2.1. Topics brought before local board: Any topic relevant to the decommissioning and pre-decommissioning activities are proper subject to be brought before any local board or committee organized to address the decommissioning of a nuclear reactor. These include preparation for decommissioning; decommissioning planning; site history; statutory and regulatory requirements; citizen concerns; site future; environmental and health impacts; costs and funding; transportation; safety of fuel; canisters and casks for on-site storage, transportation, and disposal; document and information management and availability; ongoing emergency planning; need for continued availability of spent fuel pool or other facility to repackage irradiated fuel; citizen Principles for Safeguarding Nuclear Waste at Reactors (HOSS); impacts to other communities and lands from transport and disposal of decommissioning wastes and irradiated fuel; and any other related subject.

2.2. Board and federal agency interactions: It is important for any Board member to understand the NRC and other federal agency decision making processes and means to affect those decisions; statutory and regulatory requirements and programs; document reading rooms and record availability; and proposed guidances and other documents related to decommissioning. The agencies must be prepared to engage with Board and community members to provide information, answer questions honestly and in a timely manner, listen to community concerns, make timely decisions responsive to concerns. Unfortunately, a number of interested citizens have not had very good experiences with NRC staff and NRC implementation of decommissioning activities.

2.3. Opportunities for public engagement throughout all phases of the decommissioning process: Opportunities for public engagement should include regular meetings that are open to the public and video streamed online during the meeting. The public should have more than just 3 minutes to ask questions or make statements. Questions from the public and from the Board should be answered in a timely manner. The Board should establish subcommittees or working groups that community members can join. Meetings between the NRC and the licensee should be held at the reactor site as much as possible, rather than at NRC headquarters. There should be educational programs of specific aspects of the decommissioning. The Board should represent the public's interest, not the NRC's or the licensee's.

2.4. Composition of a local community advisory board: Board members should not include licensee or licensee contractor employees or their families. The Board should include local government representative(s); individuals with a background in science, education, and health; individuals that represent organizations that have engaged the NRC and the licensee to protect the health and safety of the public; state and/or local employees that are engaged in protection of public health and safety, ground and surface

water protection, radiological protection, air and land protection, emergency response planning, and other applicable state and local regulatory programs.

The Board should have subcommittees or working groups that are open to any interested person willing to put in the time and effort. Boards, or so-called “Community Engagement Panels” chosen by the licensee, such as the one established for the San Onofre reactor decommissioning, are not acceptable. They end up representing the licensee’s interest and limit public participation and availability of information. The NRC should recognize and include members of independent community organizations that already have demonstrated an interest in the operation and decommissioning of a reactor. The job of a Board is not to rubber stamp licensee and NRC decisions.

2.5. Time of establishment of such a board: Community engagement related to decommissioning should start at the initial reactor licensing phase. Decisions made by the licensee, the NRC, and other entities when a reactor is sited, licensed, constructed, and operated affect the decommissioning of the reactor and the site. Education and community participation throughout the life of the reactor and leading up to decommissioning should be an ongoing process. For currently operating reactors, community engagement related to decommissioning should start now, and not wait until the licensee decides, sometimes suddenly, to close the reactor and commence decommissioning.

2.6. Frequency of Board meetings: Boards should meet at least monthly during decommissioning and more often under special circumstances. Subcommittees or working groups can meet more often.

2.7. Selection of board members: Board members should not be selected by either the licensee or the NRC. During the decommissioning of the Moab Uranium Mill, the State of Utah established a Moab Mill stakeholder committee that was an effective entity. The group was headed by the Director of the Utah Department of Environmental Quality. The group met at least quarterly in Moab. There were at least 2 working groups. One was a scientific working group that addressed water quality (the Moab Mill was built on the floodplain of the Colorado River) and included Environmental Protection Agency (EPA) staff from Region 8. The working group met regularly in Moab. Members of the public could observe, but not participate directly in their discussions. The public could ask questions of EPA staff after the meeting and via phone and e-mail. These meetings were meaningful and highly educational.

2.8. Responsibility for logistics: The NRC should consider providing funding for the local government to support such a board’s meetings and other routine activities. Currently, the DOE provides funding to Grand County for an UMTRA Liaison and support for the Moab Tailings Project Steering Committee, a committee in Moab that continues to meet quarterly regarding the decommissioning of the Moab Mill. Most importantly, the licensee should not be the responsible entity, nor should funding come directly from the licensee.

2.9. Other best practices: The NRC should give serious consideration to the public comments regarding the negative experiences that many citizens and organizations have had with the NRC and DOE related to the decommissioning of facilities and licensed operations. I, personally, have sat in many a meeting related to the decommissioning of the Moab Mill and listened to NRC staff provide incomplete, false, and misleading information. I have observed or have direct knowledge of NRC staff persons' inability or unwillingness to effectively administer and enforce NRC statutes and regulations on many levels.

2.10. Engagement with other effected communities: Citizens and the environment on the transportation routes to the final resting place of the various radioactive and toxic wastes that must be disposed of after the end of the life of a nuclear reactor must also be part of a citizen engagement process. Citizens and the environment at the disposal sites must also be part of a citizen engagement process that involves boards and meetings at the reactor site, transportation route sites, and the disposal sites.

Currently, citizens along the routes between reactor sites and the proposed Consolidated Interim Storage (CIS) disposal sites in New Mexico and Texas are excluded from any administrative proceeding because the prospective licensees have not identified proposed transportation routes. Citizens and communities on transportation routes will not be able to effectively comment on the CIS draft Environmental Impact Statements or otherwise be engaged in the decisions related to decommissioning of any one reactor, because important information is being withheld. This is unacceptable.

Thank you for providing this opportunity to comment.

Sincerely,

Sarah Fields  
Program Director