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

Comment On: NRC-2019-0073-0036

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; Reopening of Comment Period

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Submitter Information

Name: james hamilton

Address:

1167 Massachusetts Avenue

First Floor

Arlington, MA, 02476

Email: jim@decommissioningcollaborative.org

Submitter's Representative: james hamilton

Organization: The Nuclear Decommissioning Collaborative

General Comment

Attached please find comments from The Nuclear Decommissioning Collaborative reagarding 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.

Attachments

NEIMA Comments -- Decommissioning Collaborative -- December 6 2019



December 6, 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,

Decades of experience with large-scale capital projects in the extractives and fossil/renewable energy sectors demonstrates clearly that the lack of meaningful engagement with project stakeholders significantly increases business risk resulting in schedule delays, cost overruns and on occasion, outright project cancellation. In this reality, good stakeholder engagement is simply good business, with successful project proponents incorporating this truism into their routine business planning.¹

The nuclear industry is not immune to the need to meaningfully engage stakeholders in the decommissioning of nuclear power plants. To that end, what we will see play out in the nuclear decommissioning space is what the extractives and fossil/renewable energy sectors have already learned: those who appreciate the importance of meaningful stakeholder engagement will succeed; those who do not, will fail.

As the independent safety regulatory overseeing decommissioning projects, the NRC finds itself in a delicate position to assist all stakeholders in the realm of Community Advisory Boards (CABs). To that end, the following suggestions are offered:

1. INCLUDE IMPACTS OF NUCLEAR PLANT CLOSURE INTO DECOMMISSIONING

- At present, the preparation and delineation of decommissioning impacts as outlined in a Post Shut-Down Decommissioning Activities Report draws from the Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, Supplement 1, Regarding the Decommissioning of Nuclear Power Reactors, Main Report, Appendices A through M, 2002 (GEIS). Within the GEIS, Section 1.3 states that *“Impacts related to the decision to permanently cease operations are **outside the scope of this Supplement.**”* (emphasis added)

¹ Often times, the management of the stakeholder engagement effort by an independent, third-party entity adds important value and legitimacy to the entire project.



- By excluding impacts related to plant closure (increased taxes, job loss, worker exodus, decline in home values, increased unemployment, decreased community capacity, etc.) the most important effects of a closure and decommissioning project are removed from formal consideration. As the Commission has seen, this omission leads to significant stakeholder frustration as CABs, if they are formed, are generally not able to meaningfully discuss these important issues as they are viewed as “out of scope.”
- On the other hand, by including closure-related socioeconomic impacts into the decommissioning conversation, stakeholders have an opportunity to engage on more of the topics that they find most meaningful. This inclusion leads directly to more constructive CAB processes.
- With respect to the formal consideration of the socioeconomic impacts of closure, the NRC has two options:
 - It is within NRC's existing authority under NEPA to revise the regulations in 10 CFR Part 51 to require consideration of these socioeconomic matters; or,
 - Amend the appropriate NUREG to accomplish the same goal.
- To that end, we respectfully suggest that the NRC take the necessary actions to **include socioeconomic impacts of nuclear power plant closure** as part of its overall decommissioning scope.

2. PROVISION OF RESOURCES TO PROJECT STAKEHOLDERS

- For stakeholder engagement to be meaningful and effective, all parties require access to sufficient resources from which to form opinions and offer constructive recommendations. The Commission can provide for a more constructive engagement environment by allowing host community stakeholders access to a portion of each plant’s Nuclear Decommissioning Trust (NDT).
- These resources may be used for two important and mutually reinforcing activities: (i) to support community planning and economic development initiatives to enable host communities to anticipate and better develop socioeconomic mitigation plans for plant closure; and, (ii) to allow local stakeholders the opportunity to provide constructive input into how decommissioning writ large may be undertaken so as to provide optimal benefit to host communities.

3. PARTICIPATION IN THE UPCOMING FEDERAL AGENCY DECOMMISSIONING ROUNDTABLE

- The Nuclear Decommissioning Collaborative (Collaborative) using Federal funds under award ED18HDQ3030014 from the U.S. Economic Development Administration (EDA), U.S. Department of Commerce is helping EDA identify and develop best practices to assist communities affected by loss of tax revenue and job loss due to nuclear power plant closures.
- In April of 2019, the Collaborative facilitated the initial roundtable of federal agencies regarding the closure and decommissioning of commercial nuclear power plants. Participating agencies included the Nuclear Regulatory Commission, the Department of Energy, the Department of Housing and Urban Development, the Department of Agriculture, the Environmental Protection



Agency and the Department of Commerce. Representatives from nuclear power plant host communities also participated and added value to this discussion.

- A follow-up roundtable is being planned for 2020 and the NRC is again invited to participate.

Thank-you for your attention to this important matter. The Collaborative is willing and eager to offer support as the Commission advances its work in this area.

Sincerely,

James A. Hamilton
Executive Director

t: 802.345.7044

e: jim@decommissioningcollaborative.org

WASHINGTON, DC | BOSTON, M A

www.decommissioningcollaborative.org