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Bruce A. Watson, Chief
Division of Decommissioning, Uranium Recovery, and Waste Programs
Reactor Decommissioning Branch
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

AND

Office of Administration
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AND

Mr. David Lew, Regional Administrator
U.S. Nuclear Regulatory Commission Region I
2100 Renaissance Blvd., Suite 100
King of Prussia, PA 19406-2713

Re: Docket ID NRC-2019-0073

Dear Messrs. Watson and Lew,

I am submitting these comments in response to Docket ID NRC-2019-0073 regarding the efforts of the Nuclear Regulatory Commission (NRC) to develop a report identifying best practices for establishment and operation of local community advisory boards (CABs) associated with decommissioning activities, including lessons learned from existing boards, as required by the Nuclear Energy Innovation and Modernization Act (P.L. No. 115-439), on behalf of the Barnegat Bay Partnership (BBP), which comprises federal, state, and local government agencies, academic institutions, nongovernmental organizations, and businesses working together to restore and protect a nationally significant estuary, the Barnegat Bay.

ONE OF 28 NATIONAL ESTUARY PROGRAMS ADMINISTERED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

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AUTHORITY

The BBP submits these comments pursuant to Section 320 of the Clean Water Act (33 U.S.C. 1330; as amended by P.L. 100-4 and Pl. 114-162), which established the Barnegat Bay as an estuary of national significance. Section 320 further identifies important purposes of our management conference: addressing point and nonpoint sources of pollution, maintaining sustainable populations of fishes and wildlife, protecting their habitats, and assuring that the designated uses of the estuary are protected. In accordance with the BBP's Memorandum of Understanding Regarding the Roles and Responsibilities of Partners and its attendant charters and policies, the Environmental Protection Agency, the U.S. Army Corps of Engineers (USACE), and the New Jersey Department of Environmental Protection (NJDEP) neither participated in the development of these comments nor reviewed them for endorsement.

BACKGROUND

The BBP and our partners have attended (1) several recent meetings (8/29/19 and 9/26/19) held in Lacey Township regarding the decommissioning of the Oyster Creek Nuclear Generating Station (OCNGS) and (2) the NRC's public meeting (10/3/2019) held in Stafford Township near the Oyster Creek Nuclear Generating Station in Forked River, New Jersey, on October 3, 2019. The BBP has also reviewed the Public Notice regarding Citizen Advisory Boards (<https://www.regulations.gov/document?D=NRC-2019-0073-0030>) and the NRC questionnaire (<https://www.nrc.gov/waste/decommissioning/neima-local-comm-advisory-board-questionnaire.html>). It is our understanding that the NRC does not presently mandate a Community/Citizens Advisory Board for the decommissioning on any NRC-licensed nuclear facility; moreover, the only places that have such boards with public representatives are where they are required by state law.

NRC Establishment of Community Advisory Boards

We recommend that all applicable NRC laws, regulations, and policies require and support the establishment of a community advisory board (CAB) at every nuclear power station and other NRC-licensed facilities undergoing decommissioning.

As mentioned above, the BBP and some of its partners attended three local meetings to discuss decommissioning and related issues. All three meetings were attended by federal, state, county, and municipal agencies and elected officials. At the first two meetings, significant public concerns about important decommissioning issues, including public health and safety, environmental contamination, public costs, and other issues were raised at these meeting. For example, there were various safety and public health concerns expressed about shortening the decommissioning window to six years, safely. There were diverse environmental concerns expressed, from how the materials would be stored onsite, to how materials would transported to other sites (*e.g.*, one idea that was voiced involved dredging a tributary of the Barnegat Bay, so that nuclear materials could be barged to Philadelphia for transport out west.). Numerous people raised safety concerns about cost-cutting on all aspects of the decommissioning process to generate profits. Many people asked where any materials were being transported. Lastly, many

people asked what would happen to the lands occupied by and surrounding the plant, once cleaned up. Few, if any, definitive answers were provided in response to these concerns.

Like many public meetings regarding important public health and/or environmental issues, there was considerable “misinformation” shared and some widespread misunderstandings of some concerns apparent at these meetings. Perhaps more importantly, there was considerable mistrust of different parties, both public and private, explicitly voiced at these meetings. Both public and private parties (*i.e.*, the local government in which the nuclear plant is operating and the current owner of the facility, respectively) at the August and September meetings expressed opposition to any public advisory board. Intertwined with these concerns and issues was recognition of considerable potential for conflict of interest among some of the principal parties involved in the decommissioning process.

The third public meeting, held on October 3 in Stafford Township, was advertised locally as an opportunity to express concerns about the OCNGS decommissioning, but was organized by the NRC as part of this CAB comment process. We are disappointed that the CAB questionnaire advertised on the NRC website was not shared with attendees at the NRC meeting. Had it been shared, we believe that more valuable and substantive public comments would likely have been generated at the NRC meeting.

Conclusion

The issues surrounding the decommissioning of the OCNGS are complex. We believe that the resolution of these issues not only requires the considerable expertise of agencies like the NRC but also a completely transparent process involving diverse representation from local stakeholder communities in a CAB. The CAB should be encouraged to look holistically at the issues surrounding decommissioning, including the ultimate fate of radioactive materials. For example, most of the meeting attendees would be surprised to hear that nuclear waste materials from another site within the Barnegat Bay watershed (and other sites in New Jersey) have been approved for transport and/or are already being transported to a facility in Utah, which has estimated its clean-up costs (for waste transported from other sites) to be nearly \$1 Billion. These issues require thoughtful, comprehensive public participation and transparent communication that only a federally established CAB can provide. We see these issues as a growing public concern in southern New Jersey, which has several nuclear power plants in other watersheds that will undoubtedly face similar issues and concerns upon their decommissioning.

Thus, we strongly support establishment of an NRC-required CAB for the decommissioning of the OCNGS. In addition to diverse representation from the public, the CAB must be empowered and funded to integrate the participation of all levels of government and investigate and report out on CAB-identified issues of local importance. Surely a modest amount of funds from the decommissioning trust fund can be used to support CAB efforts to ensure and promote public health, safety, and environmental protection?

We hope that you find our comments to be constructive, and we welcome the opportunity to discuss them in more detail. If you have any questions, please feel free to contact me or Dr. Jim

Vasslides, our Program Scientist, via email (shales@ocean.edu or jvasslides@ocean.edu) or phone (732-255-0472, ext. 3 or 6).

Sincerely,



L. Stanton Hales, Jr., Ph.D.
Director

cc: Ms. Karen Green, NOAA-NMFS, Advisory Committee Co-Chair
Dr. Steven Yergeau, Rutgers Cooperative Extension, STAC Chair
Dr. Elizabeth Lacy, Richard Stockton University, STAC Vice-Chair
Ms. Shari Kondrup, Brick Municipal Utility Authority, CEC Chair
The Honorable Andy Kim, Congressman, NJ 3rd District
The Honorable Cory Booker, NJ Senator
The Honorable Robert Menendez, NJ Senator
BBP Policy Committee Members:
EPA R2 Administrator Peter D. Lopez
NJDEP Commissioner Catherine R. McCabe
The Honorable Joseph Vicari, Ocean County Freeholder
The Honorable William Curtis, Ocean County Mayors Association President
Mr. George Murnyak, Citizen Representative