

COMMENTS TO NRC ABOUT CITIZENS ADVISORY BOARDS

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Waukegan, Illinois

My name is David Kraft, director of Nuclear Energy Information Service (NEIS) based in Chicago, IL. Thank you for the opportunity to present our views on the issue of establishing "citizen advisory boards" (CABs) in communities faced with closure of nuclear power plants.

NEIS has had the opportunity to witness first-hand the entire process regarding the decommissioning of the Zion Nuclear Power Plant. This 10-year observational window gives us a unique perspective into the various aspects of decommissioning, including and perhaps especially the conduct of the Zion Citizen Advisory Panel - or, ZCAP - established by Zion Solutions LLC at the start of the decommissioning project.

Based on these observations we wish to register the following comments and recommendations:

THE ZION "ZCAP" WAS A FAILURE, AND REPRESENTS A MODEL TO AVOID:

- The ZCAP was a creation of the contractor, Zion Solutions LLC, ostensibly to conduct information flow between the company's progress on the decommissioning and the public. As such, its purpose was to represent serve the needs and interests of the company, not those of the affected Zion community and public.
- Admission to the ZCAP was controlled by the company, not by the community. Several members of the public, including a member of NEIS were rejected despite having more nuclear-related expertise than many members of the serving ZCAP.
- The ZCAP was not funded, and was comprised of volunteer participants, selected by Zion Solutions, and had no ability or funding to solicit outside technical advisory expertise.
- While populated by well-intentioned and significant community representatives and fixtures, NO ONE on the panel had any depth of experience or specific credential dealing with: 1.) nuclear power and waste; 2.) reactor decommissioning; 3.) structural engineering; 4.) major contaminated site remediation; 5.) radiation; 6.) radioactive waste transportation. Therefore, without budget and critically required expertise, the ZCAP could only accept at face value any information that Zion Solutions provided.
- Information flow between Zion Solutions and both the ZCAP and observing public was inconsistent at best, non-existent at worst. The public website was not updated regularly. Requested information was not always forthcoming in a timely manner. Some requests were outright ignored until forced by outside authorities, like the Illinois Attorney General's office.
- The ZCAP members often used the excuse that requests made be members of the public were "outside their authority" or "not in the scope of founding ZCAP charter" to avoid pursuing issues critical to the well-being of the local Zion community, and the general public.
- In conclusion, the Zion ZCAP ended up providing ***the illusion of public participation without much of the needed substance***. It was a check-box exercise designed for Zion Solutions and the

NRC to point to as evidence of “public participation,” while largely ignoring legitimate concerns raised by members of the community and the general public.

“ADVISORY” BOARDS ARE INSUFFICIENT AND INADEQUATE:

It is NEIS’ conclusion after witnessing the ZCAP debacle, and hearing of similar scenarios at other reactor sites around the country, that CABs are inadequate in representing and protecting the interests and concerns of the communities around decommissioned and operating nuclear reactors. They provide PR cover for the contractors, the utilities like Exelon and the NRC who can then disingenuously say that they are “involving” the public, without having to commit in a meaningful way to addressing and resolving the legitimate concerns presented by the CABs.

As we will demonstrate below, CABs are useless simply because they are “advisory” in nature. Advice can be (and repeatedly has been) ignored by the contractors, utilities like Exelon and the NRC, over the four decades of nuclear power operation, and the ten years of the Zion decommissioning.

What is needed is creation of independent, funded, transparent public entities that first and foremost represent the needs, interests and concerns of the local affected communities, communities like Zion and Covert, MI, not those of the contractors, utilities and the NRC; and secondarily those of the general public, independent of the decommissioning contractors and related utilities. These “decommissioning stakeholder authorities” would have just that – legal/regulatory **authority and funding** to oversee and have binding impact and effect on the decommissioning processes occurring in their backyard.

CHARACTERISTICS OF AN EFFECTIVE PUBLIC DECOMMISSIONING AUTHORITY:

- Formation and membership should be independent of the local decommissioning contractor.
- *Decision-making representation* primarily selected from the local community, affected general public and people with relevant expertise; *advisory representation* - one each from the contractor and NRC.
- Funding to conduct operations, meetings, and contract with needed relevant outside independent expertise and consultants of its own choosing.
- Authority to:
 - make recommendations to NRC and contractor on the site decommissioning process, and receive written and documented explanation for acceptance or rejection of recommendations;
 - request and receive in a timely manner from the decommissioning contractor and NRC information, documentation and responses to inquiries; have access to all pertinent documents from NRC, utility and decommissioning contractor;
 - convene and conduct public meetings and presentations relevant to the decommissioning;
 - request and receive intervention in the decommissioning process from the appropriate state, federal and NRC officials on matters of interest to the community and general public.

THE NRC HAS A DEEP LONG-STANDING REPUTATION FOR IGNORING ADVICE:

As we have stated above, the major flaw of the CAB concept is that it is strictly “advisory” in nature. Regrettably, the federal NRC has a long history of egregious failure to act on advice given to them, even from their own peers and staff. Because of this obvious, easily documented and less than stellar track

record of un-responsiveness to public concerns, there is no rational or credible evidence to indicate that creation of CABs will magically result in the NRC taking any of their advice.

A sampling of the evidence to prove this point:

- Since 2002 nuclear safety advocates have been advocating for the adoption of “hardened on-site storage” (HOSS) for enhancing the safety of the storage of the spent fuel high-level radioactive waste (HLRW). This method would employ the use of dry cask storage (already approved and licensed by the NRC), only in enhanced reinforced configurations. This storage technique is used successfully in Europe. It provides additional safety margins for the locally affected communities, a fact of significant importance since 1.) we do not now, and will not have before 2048 the earliest, a permanent, geologic disposal facility, and 2.) NRC itself submitted to the courts in 2014 its assurance that HLRW could be maintained safely at reactor sites for at least 100 years. (See: 2014 Waste Confidence Rule).

In a March 6, 2008 statement concerning Exelon’s plans for decommissioning Zion, NEIS recommended that HOSS be utilized, particularly since the site sits below the out-bound flight path for thousands of fully-fueled and loaded daily flights leaving O’Hare Field bound for the East Coast and Europe.

The NRC, as well as the utilities, have repeatedly ignored this obviously superior pro-safety advice from concerned members of the public that would better protect the public and the environment.

- Meetings to report and discuss ongoing decommissioning inadequacies held in March 2013 with then NRC Chair Dr. Gregory Jaczko and William Magwood III at the Palisades Nuclear reactor community in Michigan; and in June 2014 at Region III headquarters and later the same day in Michigan with NRC Chair Allison Macfarlane have resulted only in nodding heads, and the adoption of no regulatory changes that were advised.
- Subsequent to the Fukushima nuclear disaster the NRC Commissioners rejected the advice of their own allegedly highly competent and professional technical staff on their recommended installation of critical safety enhancing changes to the GE Mark-I boiling water reactors in the U.S.
- In late January 2019, by a 3-to-2 vote, NRC commissioners rejected a recommendation from their own senior staff to require reactor owners to recognize hazards created by the new climate reality and fortify their plants against real-world natural hazards such as flooding and seismic events.

This small slice of the public record does more to suggest that “NRC” stands for “not really concerned,” than it conveys the notion that it would consider CAB “advice” with any degree of seriousness, let alone take action on it.

CONCLUSIONS:

1. Advisory CABs are useless, and should not be adopted.
2. Create and fund local independent, transparent decommissioning stakeholder authorities, with authority to oversee decommissioning activities, and represent the interests of the local communities. These should be independent of the contractors and utilities, and the NRC.

Thank you for consideration of these views.