

PROPOSED RULE PR 2,20+50
(66FR 46230)DOCKETED
USNRC

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Date: 11/23/01 1:31PM
Subject: Partial Site Release Comments

November 26, 2001 (12:03PM)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

The Connecticut Department of Environmental Protection Division of Radiation wishes to submit the following comments regarding the Proposed Rule on Releasing Part of a Power Reactor Site or Facility for Unrestricted Use Before the NRC Approves the License Termination Plan.

Issues for Public Comment

#3 - Is public involvement adequately considered?

No. There is no mechanism described in the proposed rule that addresses how or if stakeholders can challenge the "non-impacted designation" by a licensee. Though the proposed rule states that it provides for public participation through a public meeting, a public meeting to tell stakeholders of NRC decisions is not a participatory process. It gives no right of intervention, no right of appeal, and no right of a meaningful review. How does a public meeting address a material dispute in fact? NRC is not bound to consider any information brought forward during the public meeting. At the very least a mandatory public hearing is needed.

#5 - Does the proposed rule make it adequately clear that when performing partial site releases and when releasing the entire site at license termination, licensees must consider potential dose contributions from previous partial releases in demonstrating compliance with the radiological release criteria?

No. How will the situation be address if contamination is found in the future that can be shown to be a result the licensee's activities in areas that were designated non-impacted at the time of partial site release, is above the release criteria set by the LTP, or the property transferred to another entity? What rights would a potential purchaser have against the licensee, if after the purchase contamination if found? The rule seems to address only the situation where a licensee maintains ownership and control of the property.

The proposal states that an amendment to 10 CFR 50.82(a)(9)(ii) would require that the final radiation survey and associated LTP documentation, demonstrating that the site is suitable for release in accordance with the criteria in 10 CFR Part 20, Subpart E, include any parts released for use before approval of the LTP. How would the NRC require cleanup of areas released under partial site release if this area is what causes non-compliance with the dose criteria? How is this situation handled if it has been transferred to another entity? What rights would a potential purchaser have against the licensee, if after the purchase contamination if found?

#7 - Are there other potential impacts on continued operations or decommissioning activities as a result of partial site releases that should specifically be considered in the rule?

Yes. The impact of future operation/use of the area released under partial site release must consider potential threats to the storage of spent nuclear fuel or operation of the NPP prior to allowing control of the PSR area being transferred to a non-licensee. A situation exists in Connecticut where an area is proposed for partial site release with the intent to sell the property for development of a gas fired electrical generating plant in close proximity to spent fuel storage. No safety analysis of this proposal has been performed and how future threats to the nuclear fuel will be handled has not been addressed. The assumption that placing requirements on the existing licensee after threats are identified as a result of activities on PSR area is not an acceptable mechanism of protecting public health and safety.

Thank you for considering the Division of Radiation's comments regarding the Partial Site Release Proposed Rule.

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Template = SECY-067

SECY-02

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