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ENVIRONMENTAL COALITION ON NUCLEAR POWER

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Chief, Rules and Directives Branch
Division of Administrative Services
Mail Stop T 6 D 59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: Draft Supplement 1 to the Final Generic
Environmental Impact Statement on
Decommissioning of Nuclear Facilities,
NUREG-0586

Dear Madam or Sir:

The following comments on Draft Supplement 1 to NUREG-0586 are submitted on behalf of the Pennsylvania-based Environmental Coalition on Nuclear Power (ECNP). We concur with and adopt by reference the comments of the Nuclear Information and Resource Service, submitted by Paul Gunter.

In our state, decommissioning of the Shippingport reactor, Saxton and Waltz Mills experimental reactors, and the Quehanna industrial nuclear facility and former reactor have occurred. The old Molycorp thorium processing facility near Washington PA is currently in the early stages of decommissioning. The Peach Bottom Unit 1 and Three Mile Island Unit 2 reactors have been awaiting decommissioning for more than twenty years. The nine other operating commercial reactors will ultimately also require decommissioning upon expiration of their operating licenses, as will numerous other industrial and research nuclear facilities.

This Supplement to the Final GEIS fails to address decommissioning of nuclear facilities other than commercial reactors. It therefore fails to take into account the subject of NUREG-0586: the environmental impacts of decommissioning nuclear facilities -- all nuclear facilities. Moreover, in order to assess the full environmental impacts of each facility's decommissioning, it is necessary to take into account its impacts in concert with the impacts of all other nuclear facilities that contribute additive radiological and other contamination to the biologic system.

Pennsylvania remains the Host State for "disposal" of the "low-level" radioactive wastes generated in the Appalachian States Regional Compact, despite failure of the contractor, Chem-Nuclear Systems, to site a LLRW disposal facility. The Department of Environmental Protection recently adopted expanded permissible disposal of radioactive materials at municipal landfills. Pennsylvania has not yet obtained Agreement State status. Our law provides for regulation by the state of radioactive materials and wastes if NRC releases them from its regulatory control.

Moreover, the Pennsylvania Constitution provides that the people of the Commonwealth have the right to a clean, livable environment for themselves and for their descendants. Thus, for these several reasons, the decommissioning decisions of the NRC are of substantial concern to residents of this Commonwealth, where the nation's worst commercial nuclear power accident has not been forgotten.

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*F-RIDS = ADM-03
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A fundamental obligation of the NRC is to protect the health and safety of the public and the quality of the environment – the general welfare – from radiation-related harm. Failure of NRC regulatory control to require that the radioactively-contaminated materials and wastes remaining at a reactor site post-closure will not be released into the biosystem -- as described in this document and in NRC regulations -- constitutes a serious violation of the provisions of the Atomic Energy Act, as amended, Chapter 1, and of the National Environmental Policy Act. Any such decisions by the NRC are therefore arbitrary and capricious, and contrary to both the AEA and NEPA.

In practice, in the decommissioning of reactors the NRC's Decommissioning Rule has both allowed release into the environment of radioactive materials and wastes and disallowed members of the affected public from an opportunity for adjudicatory hearings in advance of decommissioning activities. These denials of access to the judicial system are currently being extended in the form of NRC's proposed Rule, "Change of Adjudicatory Process," compounding the illegalities inherent in this Supplement. Increasingly, no forum is available to citizens in which to exercise their rights under the Federal Administrative Procedure Act. This is yet another reason that this Supplement is unacceptable and should be withdrawn.

Furthermore, a "generic" EIS cannot provide adequate assurance that the unique situation and condition of each nuclear facility have been fully analyzed and accounted for. Each plant is unique; each plant's impacts must be examined in relationship with all other nuclear facilities that affect the condition of the environment. In the real world environment, radioactive and hazardous materials are not necessarily static; they move; they interact with other materials; they accumulate; they may have their adverse impacts at or near their site of origin or far away from it. The totality of those impacts, upon both human and non-human inhabitants of the biosphere, must be incorporated into an environmental analysis and accounted for fully also for adversely affected individuals in any cost-benefit analysis. All issues should be examined at each plant.

Exclusion of licensee decisions and actions prior to certification that plant operations have permanently ceased means that the Supplement fails to consider factors that may have negative impacts on the quality of the decommissioning activities and on minimization of the quantity and condition of the wastes resultant from the handling and removal of radioactive materials from plant structures, systems, and components. Exclusion from consideration of the fate of contaminants post-license termination also renders this Supplement insufficient and not acceptable to account for the environmental impacts of decommissioning. In effect, the NRC plans to wash its hands of any responsibility for the long term damage that may result from reactor decommissioning (and that of all other nuclear licensees' facilities and activities. It is the state or municipality and community in which a plant is located and the residents that will be required to bear the burdens of injury and costs of further clean-up after the NRC has vanished.

Underlying these failures of the agency's responsibility for the facilities and activities that it had sanctioned by granting an operating license and through its regulatory actions and inactions is the failure of the NRC – and of EPA – to set radiation protection standards that recognize the

great varieties of adverse effects of low-level radiation on human beings. Affected populations are composed of many individuals who are not close to being that "standard man" in whom the NRC places so much faith. The trans-solutional problem of complete site decontamination is here evident: the NRC does not require the return of a decommissioned facility and site to its pre-operational radiation level. Because the costs of sequestration ("disposal") of wastes is high, and deemed to be a "burden" for the licensee, the agency continues its endeavor to allow massive deregulation -- release, recycle, and re-use -- of radioactively-contaminated materials and wastes and their entry into the "free market" for resale and reuse in a host of consumer products.

Subsequent uses of these "slightly contaminated" materials and wastes -- in roadbeds, or construction, consumer products, or other objects individuals may contact -- will each add to the radiation doses received without knowledge or consent of the recipient. These exposures from multiple unmonitored, unlabeled, uncontrolled sources are in no way accounted for, but they are additive and cumulative for that individual. They violate the fundamental tenet of radiation protection: *viz.*, that the recipient of a radiation dose that is in addition to naturally-occurring background exposures should receive a benefit equal to or greater than the risk incurred. The NRC should not permit radioactive materials or wastes to be released into the environment. That is the basic message, the rightful demand of all those who will be affected negatively by releases.

As techniques of research and analysis in complex biological systems improves, it is becoming more apparent to thoughtful, careful scientists and regulators that it is imperative to include the impacts of low-level radiation exposures on all forms of living beings, not merely on humans. But it is also increasingly important to incorporate into radiation protection standards low-dose effects. An EIS must also consider the effects of the synergies between and among ionizing radiation and the multitude of hazardous materials also released into the environment.

• Instead, the NRC has chosen to abandon its former regulatory philosophy (defense in depth and redundancy of safeguards) in favor of the far less restrictive and less protective approach (performance-based and risk-informed). The relaxation of regulatory control is also evident throughout this draft volume. Decommissioning is the final chapter for the agency in its relationship to a given site and license. For people, the community, municipality, and state, it is the beginning of an essentially endless association with a nuclear site that may continue to endanger their lives and environment. The NRC has a statutory obligation to do a better job.

These admonitions have been presented to the NRC repeatedly in many Commission and staff meetings, agency panels and workshops, public hearings, legal proceedings. Until they are heard, adopted, and adhered to, this Supplement, the Final GEIS on Decommissioning of Nuclear Facilities and the Decommissioning Rule and NRC's radiation protection standards will continue to be inadequate and in violation of the applicable laws, including but not limited to the AEA, NEPA, and APA cited above. All four should be withdrawn and entirely rewritten to provide true protection from radiological contaminations.

Sincerely,

