

September 25, 1978

Joseph Hendrie, Chairman
James Ahearne, Commissioner
Peter Bradford, Commissioner
Victor Gilinsky, Commissioner
Richard Kennedy, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

re: low level waste incinerator
at Nine Mile Point 1

Gentlemen:

We are writing concerning the proposed low level waste incinerator at the Nine Mile Point 1 facility of Niagara Mohawk Power Corporation at Scriba, New York. This facility, designed by Newport News Industrial Corporation and Energy, Incorporated, will be of the first of its kind for an operating commercial reactor. The Staff has recommended that no EIS be prepared, no Federal Register notice be filed and no public intervention be required. We are bringing this matter to the attention of yourself and CEQ because we believe the Staff action is entirely contrary to NEPA and the public interest.

As is well recognized by the Commission, the radioactive waste problem in the United States and the world is most acute. The Sierra Club has been very concerned about this problem and the Board of Directors of the Club has endorsed a nationwide educational campaign on radioactive waste beginning in New York State this November. Low level waste burial grounds have leaked and, as a result, have been closed in several states including New York. There is now a shortage of burial space. About 95% of the low level wastes from commercial reactors now go to Barnwell, South Carolina. As a reaction to this situation, and because the utility wants to capitalize what is presently an operating cost, Niagara Mohawk Power Corporation wishes to build a low level waste incinerator at Nine Mile Point 1 at Scriba, New York. This will be the first low level waste incinerator built by a utility to service a commercial nuclear reactor. Since this is a major Federal action significantly affecting the environment, it is our position that an EIS, a Federal Register notice and public intervention are required.

Since the low level waste incinerator is to be the first of its kind, it is clear that it may establish a precedent which other utilities will follow. The ramifications would be far greater than the Oswego area and certain generic issues should therefore be considered. For example, will the total occupational exposures increase over present practice? Does this conflict with ALARA? Will the cost to consumers increase? Will the total environmental impact increase over present practice? In other words, in a full cost/benefit analysis, will the benefits outweigh the costs? When will these issues be considered? It makes sense that the Staff consider these issues in an EIS and that the public be allowed to intervene in a licensing application.

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The "topical report" by Newport News and Energy, Incorporated is one of the most inadequate safety and environmental reports we have ever seen. We cannot believe that the Staff would accept the attached 12 page document as an application for a facility that may manage 4500 Ci/year. If this "application" were subjected to the adjudicatory process, either before the NRC or the courts, it would surely fail. Perhaps this explains the Staff's reticence to allow the public to intervene. As examples of the failings of the enclosed, it does not consider tritium and carbon-14, does not present tech-specs for operation of the incinerator, does not present detailed diagrams or sufficient material to verify the applicant's calculations, and does not consider the on-site build-up of radioactive ash.

Finally, the Staff and the Commission must recognize that this "application" represents a change from previous operating experience. Previously, radioactive material was captured on filters and resins and removed from the site. No radioactive effluents were released due to this past procedure according to the SAR. Now, as the "application" admits, some radioactive material will be released. This represents an additional environmental impact to the Oswego community which was not previously mentioned in the SAR. In fact, from all that was written in the "application", Niagara Mohawk could be processing material from the entire East Coast.

There is still an opportunity to require the applicant to submit a detailed Environmental Report and Safety Analysis Report. There is still an opportunity to review this application in public view, rather than in the backrooms of the NRC.

enc.

cc: G. Speth, CEQ
S. Reinert
E. Winchester
G. Coan

Sincerely yours,

Marvin Resnikoff, Chair
Nuclear Subcommittee of the
Energy Policy Committee
Sierra Club
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