

CUYAHOGA COUNTY DISTRICT BOARD OF HEALTH

ONE PLAYHOUSE SQUARE
1375 EUCLID AVENUE - 5th FLOOR
CLEVELAND, OHIO 44115-1882

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March 5, 1993

The Keystone Center
P.O. Box 8606
Keystone, Colorado 80435-7993

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(57FR58727)

Re: Chicago Draft Meeting Summary - Nuclear Regulatory
Commission's Enhanced Participatory Rulemaking Workshop
on Site Cleanup Criteria

Attn: Michael Lesnick, Barbara Stinson, & Connie Lewis

We appreciate the opportunity provided for us to participate in the enhanced rulemaking workshop. It is my sincere hope that through the process our contribution will be useful in a positive manner. These comments are provided after review of the draft meeting summary dated January 27-28, 1993 via cover letter of February 17, 1993.

In an effort to be brief, the first section offers feedback on the workshop format, structure and content. Following the format comments are my responses to the major points presented in the draft meeting summary.

WORKSHOP FORMAT

First and foremost, from our perspective, the benefit of financial assistance provided to us as participants, is of considerable value. We are indirectly involved with decommissioning of radiological sites within our health jurisdiction, such activity is on an advisory basis and at cost to the general funds of the board. Without Keystone's assistance, we could not have participated in the workshop.

Accommodations, while very impressive and comfortable, in my opinion did not necessarily need to be as refined as they were. To the degree that cost is factored in, the conference may have been better served with the addition of an extra day or half day in less costly facilities.

Other recommendations which would appear beneficial - provide some type of preworkshop social gathering of an informal nature. This would allow everyone to get to know each other and possibly open up workshop communication to a greater extent. Allow more

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time for the meeting, possibly start a half day earlier or run the length of the day a little longer. This would allow for a practical lunch break which was not possible in Chicago due to time constraints. Or, consider inclusion of a provided luncheon with discussion over a "working lunch".

Additional microphones or use area microphones, possibly one per participant or one for every two participants would eliminate some of the logistics of readily obtaining a microphone.

DRAFT SUMMARY REVIEW COMMENTS

The draft summary document very accurately reflects the tone and direction of the workshop from my perspective. Review comments for each section closely follow my written notes. Following are additional comments which I would like to make regarding setting criteria. Whether or not you include these within any revisions or final summaries, I feel these issues significantly impact on existing decommissioning activities and potential activities. In making these comments, I've attempted to classify them according to what I felt may be the appropriate sections for inclusion.

CRITICAL ISSUES

Currently there does not exist a national system or method of addressing such environmental health and safety protection issues such as decommissioning. There is currently a very confusing patchwork of often overlapping directives and competition among agencies. Each agency has different motives, missions and often conflicting, divergent priorities. As a result, little if any progress is made at great expense, and often with poor, ineffective and inefficient results.

This is in spite of what even the Environmental Protection Agency's 1990 Science Advisory Board report, Reducing Risk: Setting Priorities and Strategies for Environmental Protection listed as relatively low-risk to the natural ecology and therefore human health, such items as groundwater pollution, radionuclides etc. Nationwide uniformity of regulatory design and authority for implementation seem to be imperative to accomplishing a final result.

RISK LIMITS

Careful consideration should be given to how risk is identified, assessed, defined as well as how it is communicated and managed. This is especially important given the perceptions of the public, the emotional involvement and hysteria associated with setting risk limits.

Efficient and effective allocation of resources can be accomplished or fail based upon the public perception which sometimes motivates elected officials and public agencies.

Public officials and agency professionals must understand and accept the role of science in setting public policy in instances such as setting radiological criteria standards.

It follows further that these same officials must be effective in their utilization of the reasoning and basis of science when addressing the public and elected officials.

Professionals and scientist in the field strive for good epidemiological and toxicological studies upon which to base their decisions. Too often, environmental extremism sets the tone and direction in the development of public standards and policy.

TECHNICAL CAPABILITIES

With such rapid technological development and constant change, very few agency personnel on any level, federal, state, and local governments, have the requisite competencies to anticipate and develop sound solutions to existing problems. We are very good at identifying them, weak at finding solutions. Regulatory skills utilized to reduce risk seem to stop beyond "command-and-control" regulations.

Even the Congressional Office of Technology Assessment has concluded that the nation is experiencing a dearth of experienced technical expertise. (This was viewed as one of the reasons for failure in the Superfund program.) This drives remediation systems to the round peg in the square hole direction in many cases.

REGULATORY FRAMEWORK

Standards developed must incorporate incentives for a site undergoing decommissioning to reach conclusion. Standards must enable the facility or site to comply and meet the intent and specific requirements set forth in standards. Otherwise, few projects will reach conclusion.

There is a clear need to IDENTIFY, DEFINE AND EMPOWER, the authority and responsibilities of all agencies involved. If unification and cooperation of the agencies can be coordinated, progress will evolve. Interagency coordination and especially coordination of state and federal agencies must be developed prior to standard of criteria setting or as a separate and more imperative issue.

The lead agency must be comprehensive in program scope and management. Leadership skills within the federal lead agency are

imperative to program development and ultimate effective implementation. Leadership skills should include setting priorities based upon sound science of epidemiology, toxicology, and risk assessment as well as political and fiscal concerns.

Regulatory leadership must take a positive, visionary, role. The clearly defined regulatory agency (I personally feel this is the federal NRC/USEPA in this situation) must become active and direct public and political attention and action toward a scientific based solution rather than allowing or reacting to priorities set from an emotional basis. In support of my position that in circumstances such as these situations, decommissionings, while there are exceptions, expertise at the state and local level often is limited in knowledge of epidemiology, biostatistics, toxicology, and risk assessment & communication, or the individuals are not in positions with which they can effect the benefit of this knowledge and thus the outcome.

Regulatory leadership on all levels should in an objective manner, evaluate their respective agencies ability to effectively deliver an acceptable solution to radiological decommissioning activities to assure that they, the regulators and their respective agencies, do not become a deterrent to environmentally effective solutions.

COST CONSIDERATIONS

When setting the criteria standards, regulators must consider and realize that while there is tremendous pressure for obtaining "zero-risk", such risk may not be economically or practically obtainable. That the cost to society to attempt to obtain such a standard in issues such as this, may preclude not only resources essential for this issue but also resources needed to address other possibly more important problems.

An excellent current example is the health care system. The health care system currently evaluates the patient, makes a diagnosis, and attempts to provide the optimal care necessary or otherwise to cure the patient. A more practical approach, would be to look at the patient, and allocate resources which can maximize the benefit to the patient and society.

CONCLUDING SUMMARY

Regardless of the final standards developed, the following points are imperative from our experience:

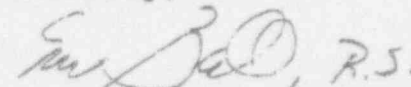
- * Coordination of a "whole" cleanup is desirable and necessary. Clean up radiological and chemical toxicity and solid waste issues. On a nationwide basis, this can

best be accomplished with authority resting in a "national regulatory body i.e. USNRC & USEPA.

- * State and local agencies should be included for their local expertise and understanding. Some existing state and local plan review processes may be utilized but with a clear understanding from the start that the federal government agencies have final authority in decision making.
- * Regardless of where the standard is set, the solutions which the standards seek to reach should be based upon sound epidemiology, toxicology, and risk assessment, rather than pressure and emotional hysteria from self serving advocacy groups.
- * Clearly defined, empowered leadership, on a federal level in my opinion will most directly address radiological site decommissionings. The federal agencies currently involved do not now have the proper tools, the regulations and authority, to be effective. By obtaining the proper tools and taking a strong leadership role, the federal agencies can effectively address such situations.

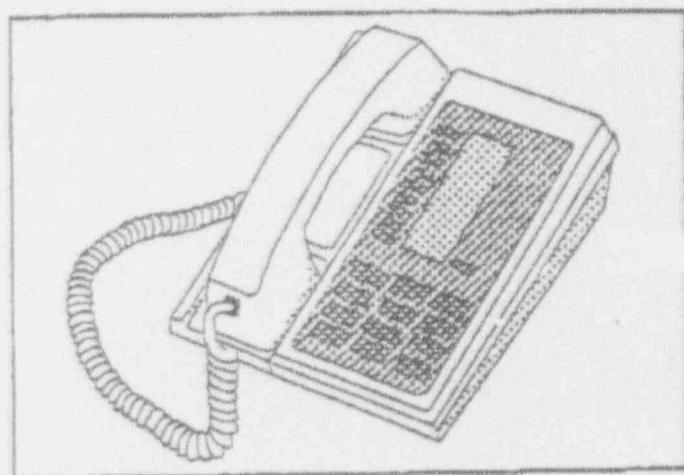
I sincerely hope that these comments are of value to the workshop and the ultimate standards which are to be developed. If I can answer any questions or clarify items within this review, please do not hesitate to contact me.

Sincerely,


Erv Ball, R.S., Supervisor
Environmental Control Division

THE CUYAHOGA COUNTY DISTRICT BOARD OF HEALTH

One Playhouse Square
1375 Euclid Avenue - 5th floor
Cleveland, Ohio 44115-1882
phone: (216) 443-7500
fax: (216) 443-7537



FAX TRANSMITTAL

Please deliver to: Chip Cameron - NRC
301-504-3200

From: Erin Ball

Date: 6-22-98

Comments: * Review Comments - see pg 2

Number of pages (including this page): -6-

If all pages are not received, please contact: Adrienne