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# SIERRA CLUB

EST. 1892 Pennsylvania Chapter

Reply to:  
Pennsylvania Chapter  
Committee on Radiation and  
the Environment (CORE)

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OFFICE OF SECRETARY  
DOCKETING

MAR 10 1994

TO: The Secretary of the Commission  
Attention: Docketing & Service Branch  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

RE: Draft Radiological Criteria for Decommissioning (dated January 26, 1994)

The Committee on Radiation and the Environment (CORE) of the Pennsylvania Chapter of the Sierra Club concurs and joins with comments submitted by the Pennsylvania-based Environmental Coalition on Nuclear Power on the NRC Staff Draft Proposed Federal Register Notice "Radiological Criteria for Decommissioning." Some of our concerns and suggestions are summarized below.

1. As drafted, these criteria would permit termination of a license after a decommissioning process that allows a substantial level of long-term radioactive contamination to remain at a site, with only flimsy restrictions on occupancy and use that could be easily set aside in the future. The former licensee might not be able to be traced, nor could that licensee then be held accountable for additional remediation or liable for damage to human health or the environment. *The NRC should not permit less than complete decontamination and remediation, with return to natural background radiation levels.*

2. The proposed criteria would allow "semi-restricted" future uses at a site where a member of the public could be exposed to an annual total radiation dose that would be well in excess of the natural background levels now commonly found in the State of Pennsylvania (c. 100 millirem per year). The dose from a decommissioned site would be in addition to the natural background dose and to other sources of exposure, such as medical diagnosis or therapy, from which the recipient receives a perceived benefit. *The Commission should not permit use of "dose to the average member of a poorly defined so-called "critical group."*

3. The NRC Staff proposal would exempt from these decommissioning criteria those licensees that have filed, and received NRC approval of, decommissioning plans in advance of the effective date of this regulation. *The NRC should not allow this exemption. All licensed nuclear facilities and licensees must be required to meet the most stringent standard of cleanup to background.*

4. *Final irreversible termination of licenses should not be permitted even after decommissioning activities are ostensibly complete for some (probably lengthy) period of time. NRC should grant only provisional or partial termination of license, with the reservation that a licensee will remain responsible and liable in the event that additional contamination is detected at some later time at or near the licensed facility or site.*

5. *The proposed exposure level of 15 millirem per year for an average member of a "critical group" at a site or facility that is released for*



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*unrestricted use is too high. The National Academy of Sciences has concluded that there is no safe threshold of exposure to ionizing radiation. Addition of another 15 percent to the dose of a member of the public who receives no benefit from the exposure is contrary to radiation protection principles. The exposure could, in fact, be substantially higher, since this limit would be the average dose to a member of that "critical group."*

*6. The decommissioning goal proposed by NRC staff is unacceptably high. At first thought, the 3 millirem per year of added exposure seems to be a low proportion of the 100 millirem per year exposure to a member of the public that current NRC regulations allow (up to 500 millirem with NRC permission). But the NRC cannot forecast how high ambient environmental radiation levels may be in the future. NRC cannot know how many more nuclear accidents may occur in the U.S. or elsewhere, perhaps equal to or greater than the magnitude of Chernobyl (now estimated to have been in the range of 100-250 million curies, with widespread lingering residual contamination). The NRC can't control nuclear weapons proliferation. Politicians may decide to pursue plutonium recycle or more waste deregulation -- in addition to what the NRC is presently allowing -- as the difficulty and costs of commercial and military waste management rise. Governments and regulatory agencies may collapse. The point is that, as NRC admits, background radiation is on the increase; that increase is composed of each "small" amount from numerous sources. The NRC should therefore set the goal for a decommissioned facility or site at zero added exposure attributable to the licensee's activities during the term of the license.*

*7. The proposed rule states that the NRC might ("will not normally") consider license termination "where the TEDE to the average member of the critical group... would exceed 100 mrem... per year if the site were to be released for unrestricted use." This is a very serious loophole in regulation and should be deleted from the draft rule.*

*8. Given that some facilities and sites have been contaminated with radioactive materials and wastes whose hazardous life far exceeds 1000 years, our societal obligation under the National Environmental Policy Act -- and under the Constitution of the State of Pennsylvania -- requires that protection for future people and their environment be provided. In this instance, to provide that protection mandates that the NRC require full remediation of the licensed activities: return of the site and facilities and surrounding offsite areas to a radiation level of natural background.*

*9. If this decontamination is costly to the licensee, that price must be paid; the licensee undertook to derive profit from the activity, knowing full well its hazardous nature. This is a legitimate regulatory response to the risk of doing business in a free enterprise economic system. NRC must require complete remediation, with only conditional license termination in order to assure that the licensee, not the taxpayers, will be responsible for any costs of latent decontamination resultant from the licensed activity.*

*The Sierra Club Pennsylvania Chapter CORE strongly recommends that the NRC Staff revise these Draft Decommissioning Criteria to reflect and incorporate recommendations of the environmentalists who participated in the NRC's April 1993 Philadelphia workshop on Enhanced Rulemaking for Residual Radioactivity.*