

March 7, 1994
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Secretary of NRC,

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I would like to comment on the proposed Fed. Reg. Notice
10 CFR Part 20 Draft Radiological Criteria for Decommissioning:

①. The ruling should apply to sites already covered by plans already NRC approved. To make it consistent and equal is important for the future. To allow any plan accepted until this rule is effective, allows for all kind of problems. Which site was approved for what, and when, in the next 100 to 1000 years could be a real regulatory mystery for future users of the property, especially if problems develop down the road unforeseen now. If you allow different sites different criteria already, then monitoring and enforcing a myriad of rules different for each site will cause future confusion as to who is responsible, and who pay for what if more clean-up is needed eventually.

Now is the time to set a blanket criteria for all sites.

One of the biggest problems in nuclear waste is the lack of standardization and integration in all areas.

The more deviation and differences, the more problems.

②. I disagree with a goal and a limit. If you were a teacher, for example, which I was, and you said to your class — "the goal is for everybody to get at least a 93% right on your test — ^{however, it's OK} if you only get a 70% grade — how many would get 93? If your goal isn't the same as your limit, people won't strive for it. But if it is the same, they will. If the teacher said, "I expect each of you to get a perfect paper and 93% will be an A and our goal, but if you get less than that limit, we will have to work harder and take the

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test over or work out an agreement as to what I will accept for credit. That way people know they have to strive for the best. Just so - return to background should be the goal and if you see the closest to that is 3 mrem per year then that should be the goal and the limit also. If licensees can't meet that, then they have to prove they have acceptable reasons for why not. If they need an exemption for a larger dose than that has to be negotiated.

But if you set a limit of 15 mrem/year then surely licensees will see that as their goal. Why pay more to get it less than that, if they don't have to? It is not acceptable to set a goal that isn't a requirement.

Any exception to the 3 mrem limit should need an exemption and require full explanation to the public.

③ I find that your "loophole" for a licensee to show they can't comply because it is "not technically achievable, would be too expensive, or would harm people or the environment," wide open for problems. For example, if a plant is decommissioned in 1994 and released for restricted use only, but in 1995 it does become technically feasible, or in 1998 it becomes cheaper to do, or a new transport method less likely to harm the environment is developed, then what? Does the restricted part have to be decommissioned then too? Who pays in the future - who oversees the process? Is an area deemed restricted, a final thing? - what developments does it depend on in the future?

a. What is "prohibitively expensive"? To whom?

It may be that people would, be willing to pay

higher rates to clean up their sites. Who is responsible? Certainly FSFI's and the removal of spent fuel costs have to be considered now. Page 6 says "decommissioning activities do not include the removal and disposal of spent fuel". Why not? Getting spent fuel off-site should be a main decommissioning cost and criteria. Who is to pay for this, DOE or the utilities ratepayers? When? Page 5 says "the purpose of the rulemaking is to assure that decommissioning will be carried out with minimal impact on public and occupational health and safety and the environment". You define decommissioning (p.6) as "to remove nuclear facilities safely from service and to reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license." That is just what it should be — back to unrestricted use. You say (p.8) that in some cases "due to breakdowns in the control procedures" that there have been "significant quantities of radioactive material into the ground water under or around buildings". That is why there should be more concern for FSFI's — how do we know how contaminated the ground under these pads, when full of casks, will be in 100 years? How do we know nearby fields and streams won't be contaminated? We don't know for sure what radiation damage per unit of exposure really is at smaller doses, so why, instead of adding to the dose at plant sites with FSFI's, don't we get the fuel away from the site near our waterways now? On page 60 you say the Commission proposes to require that when designing and operating nuclear facilities the licensee give specific attention to feature and

procedures which would facilitate decommissioning the site, reduce the amount of radioactive waste to be disposed of, and minimizing the overall public risk associated with decommissioning. Well, a new operating facility is the ISFSI's that will be sprouting up like mushrooms at the plants. Certainly they create more waste to be disposed of, and certainly they add to public risk. And with steam generators being replaced as they are at our Pt. Beach plant, we have a facility to store the old contaminated steam generators on site — security fences and all — this certainly is adding to more waste to dispose of and more public risk. Instead of reducing doses and waste, we are adding to them at plants with these new facilities. Since they have no place to dispose of radioactive waste, now is the time to shut down the plants and stop creating more radioactive waste nobody knows what to do with. Our Pt. Beach plant for example, will have low level waste, mixed waste, high level waste and spent fuel — old steam generators, fields contaminated with waste, etc. — and no place to remove any of this from the site. This whole discussion of decommissioning and reducing waste in that light seems a myth. Instead of taking care now to make the plants easier to decommission, we are allowing more and more waste to pile up at the site — thus making it more expensive, more risky to the public, and

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less technically feasible to do. Why allow cask at plants, for example, that are storage only like the VSC-24 — that require return to the pool and use of a transfer cask to move the spent fuel to a shipping cask for transport? Having to keep pools operating certainly doesn't aid decommissioning a plant.

(4) I agree the present dose limit of 100 mrem should not be allowed. I predict that to be lowered in the future as we learn more about the complete effects of radiation. The public cannot choose whether to be exposed to background levels from natural causes, but certainly they should choose not to be exposed to the risk of any more man-made radiation than natural exposes them to. They should have that choice.

(5) I'm glad GAO requests and EIA consideration is being given. The more DOE, Congress, and all concerned work together to integrate this system, the better it will be.

(6) Page 24 — the Site Specific Advisory Board is a good idea — but only if groups are truly represented and their input is used. If this is just another token group to give comments that are discarded, then it will just cause more problems. Too often, with things like this, the public comments with true concern and is eager to take part, but nobody really listens at all.

(7) page 24 — I disagree that putting notices in the Fed. Regis and local newspapers in the vicinity of

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the plant is enough notice to the public. It should be required that a state newspaper publishes this and that at least major environmental groups in the state are notified. People certainly don't read the Federal Register every day, and any way, we don't get it locally at our gov. doc. rooms until a week later or so. The local community around a plant is more concerned with keeping their jobs and keeping the tax money to their community from the plant coming in. It is usually the larger community environmental groups that are doing the work to protect the public and land and water. They are the ones spending the money and donating the time and effort to read the huge documents on their issues. They are the ones that should be notified. They are the ones that will help the most on the SSAB.

⑧. Page 28 It seems strange to me that you say "for licenses that cannot or choose not to achieve the decommissioning goal, state and local governments and other affected parties will be involved in ARAA determinations" yet now at this time, state and local governments and other affected parties really don't have involvement when it comes to decisions on siting ISFSI's and adding contaminated steam generator storage facilities. Our State Radioactive Waste Review Board, set up by the state legislature, is supposedly not to be allowed (according to the utilities) to decide on these new facilities which add to the waste at the site and to public risk, yet our state government, you say, should be involved

later in getting rid of this waste during decommissioning. That makes no sense to me. Why should it be a Public Service Commission and NRC generic decision to place casks of waste at a site along Lake Michigan when it can stay there 100 yr. or forever? Why allow it now?

- (9) Page 30 — some sites may have to remain under license indefinitely — this may be many more than you now predict if Yucca mt. never opens — there is no contingency plan, no 2nd repository in process, and no M&S — what is to be done?
- (10) You say yourself (p 34) "If disposal capacity were to become temporarily limited, on-site storage and containment of waste may be necessary until a disposal site becomes available". I think that's the only reference to this huge problem in this whole document. "Temporarily limited" is an understatement for sure.
- (11) Background level needs more definition — what actually is this? Where will this be measured? What time? How?
- (12) (Page 41) Can't a critical group change quite a bit over time? How is this decided? If you are dealing with an average, then that means an individual could receive a higher dose doesn't it? All you saying — of this critical group, one person could get this amount, another this, another this — and the average must be 3 mrem? In that case, your goal is actually a higher dose than that to some individuals isn't it? How do you figure that? Seems to me even if the maximum

exposed individual is hard to define — that dose would be a more realistic evaluation of what actually happens. Is it really fair to decommission at a certain dose goal, yet people get higher doses than that? This may need more careful thought as to just what these sites may be used for in the future and the exposure of an individual. Especially if there are restricted areas left. I think it's too easy for monitoring and containment in the future to fall by the wayside as the use of the area changes over the years and who is in control to enforce these changes too.

- (13) What are the risks (p44) you refer to implied by the criteria of 15 mrem? Please explain.
- (14) (Page 48) Please explain more about restricted use. For example, are you saying here that you might allow more radioactivity on a site (say for industry use) where workers would be allowed there only 8 hours a day? And then not allow as high a dose on land that might be used for homes or farms? If so, I find this dangerous. You would have no way of enforcing if a person works overtime or spends more time at the building for meetings, cleaning up, whatever. And as time goes on these restrictions get more and more lax. Either it should be usable or not at all. I don't see levels of restricted use when it comes to the public. If a person chooses to take the risk to his health by working at a nuclear facility, he knows what he is getting into, but the

- (13) public won't know already will they? I mean will a building for instance have a big new sign saying you can only stay here 8 hours a day or what?
- (14) (Page 48) — Why wouldn't the responsibility of the former licensee remain? How could it be vested in other organizations like local government? And what problems could evolve? For example, say a plant site was turned over to the community and they were given control of it after 25 years. Then a new contaminated area was exposed — buried waste dug up or whatever — who is responsible then? We have such problems in our town right now with buried gas tanks at stations long since closed down and owners gone and a contaminated site at a factory long closed down. The residents' health nearby is threatened as the groundwater contaminates their wells and air — yet nobody seems really responsible. Is a local government going to get stuck with monitoring and paying for a long since closed nuclear plant's contamination in a similar case? How can plans for such situations be decided now?
- (15) Page 49 is not clear. Are you saying your "safety net" is that exposure would never be the 100 mrem limit of NRC? If land or deed restrictions are eventually no longer effective and, say the land could be used by farmers, the dose would be safe anyway? But it would not be the limit of 15 mrem originally designated? I don't think that should be allowed. Don't there some

possible provision to prevent this from ever happening?

My main worry with this kind of thing is we never seem to plan far enough in the future. 100 years seems a long time, but not compared to the thousands that spent fuel remains radioactive. We need to plan for every thing we possible can with these sites now. Once waste is created, it usually stays at the site. If we allow more and more to accumulate, we'd better plan for it remaining there instead of making only plans for removing it. Let's dream real here.

(16) (p. 52) How would the rule "be enforced"? What would be considered an "undue burden" on a local community? What if a community, and a utility, just says they don't have the funds to do it? Who takes over and pays for it then?

(17) Why is the licensee responsible for establishing the SS AB? (p. 53) Seems to me that's like letting them choose their jury — is it? Why shouldn't NRC set ground rules for this and operating procedure? Surely a neutral party should establish the members of the group by some criteria. It almost sounds on p. 54 that this is to be members of mostly local groups. Most of these small towns near nuclear plants don't even have an environmental group. Certainly state environmental groups should be represented here and most of them have great interest in this issue and have studied the documents. Of course locals have an interest, but this is a state issue as well and really a federal one. Local and state groups need representation.

(18) page 56 — What was allowed to be digged at sites before 1981? (You say that regulation was relaxed.) Is there buried radioactive material at most plants? How is this regulated and monitored?

Certainly such material should be part of the new requirements and I'm glad you propose this. I think this is a real concern. What provisions would be made so that this buried material isn't inadvertently dug up in the distant future? If this dumping needed no approval, does NRC know where all their sites are? Shouldn't records of each plant reveal this? These sites should certainly be carefully monitored — "or discovered" before decommissioning. Could waste be buried on site that nobody knows about?

(17) Estimates should be validated using actual measurements. How would this be done? What would be the instrument requirements?

(20) p. 63 — I think restricting a site to industrial or commercial use to enable the site to meet the dose limit is not a good idea. If it's restricted — don't use it. Restricting a certain building is a dangerous proposition — too many opportunities for people not to have the correct information in future years on this.

(21) page 64 — "Temporal and spatial variations in background radiation at the site. Please explain how this would be done. Where and when are doses taken — how? Is this all averaged?"

- (22) If testing is resumed in the USA or other countries, or we have more worldwide nuclear accidents with fallout — how would this be taken into account at decommission sites? How can we plan to deal with such situations as far as affecting site doses? Future plans for this?
- (23) Can a plant submit a decommissioning plan this year, or even last year, and have it yet accepted before this rule is effective? For example, are utilities now trying to "beat" this ruling so they won't have to comply with it — is that possible? Why not accept no more decommissioning plans as of now until this rule takes effect?
- (24) page 77 — why are you giving a licensee 3 years to incorporate plans to minimize waste and contamination. That should start now. Nobody knows how to solve the waste disposal problem.

It is good you are making more serious plans for decommissioning as it may happen sooner than many utilities expect as plants are aging sooner than expected. We should learn from the past — that no dose limit was set in the previous ruling was a mistake. That dumping on site was allowed with out approval was a mistake. The whole radioactive waste mess just gets worse and worse because we don't face the future realistically. Decommissioning can only take place if the waste has somewhere to go, and it doesn't, so plans should be made accordingly.

— Dawn Shellinglaw