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The Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
Attention: Docketing and Service Branch

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OFFICE  
DOCKET

COMMENTS ON STAFF DRAFT  
RADIOLOGICAL CRITERIA FOR DECOMMISSIONING OF  
NRC-LICENSED FACILITIES

from  
GANE (Georgians Against Nuclear Energy)  
March 10, 1994

We applaud the NRC's effort at enhanced public participation in the making of this rule and express that the effort produced a markedly better rule than we had anticipated. We note that the NRC's effort is a precedent-setting one and expect that other industries and agencies mired in contentious conflict would do well to try this process as it is showing great promise for dealing with the differing factions around the nuclear power issue.

We do however have comments that we hope will be taken to strengthen this codification of residual radioactivity. We know that the NRC receives a wealth of input from the nuclear industry which has much greater resources for maintaining a steady communication with you. We feel that your job is to protect us from possible harm from an industry which operates within a mindset that places undue emphasis on profitability, so we hope you will see our comments as providing insight and a mandate to fulfill your mission to us.

It is dismaying to see fallout from nuclear bomb tests and the gross accident at Chernobyl included in the definition of background radiation. Some members of GANE have expressed that it would be interesting to see entities which were licensed to profit from risky nuclear business compelled to mop-up, as a benefit to all of us, whatever contaminants exist on their sites. We consider that other laws may exist limiting liability of that sort but

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think it would be interesting if Georgia Power Company were forced to seek compensation from their Soviet counterparts in the industry. At any rate, we have never supported either the testing of bombs or the existence of nuclear power anywhere on the globe and we resent taking a hit from it again.

We support your concept of the critical group most likely to receive exposure in setting dose limits.

We do not agree with the concept of restricted release of sites. We favor a licensee's release of liability from a site only upon attaining the goal for residual radioactivity (a figure we will discuss later). If that goal is not met, the responsibility for that site must remain with the corporation who has profited from it, and not be transferred to the American public or the site's locale.

We strongly support your inclusion of previously buried waste on sites under the new regulation.

We support your concept of Site Specific Advisory Board with significant changes. We want the SSAB to advise the NRC and be overseen by the NRC instead of the licensee. The trust issues of having this board serve the licensee totally undermine the great potential benefit from involving citizens in this way. Also, we think that all decommissionings should have this board, not just the decommissionings that seek to avoid this new law. Also, we anticipate that boards made up only of local parties will be under serious threat of co-optation. In the area of our expertise, environmental watch-dogging, we foresee the process being enhanced by the allowance of imported expertise if it cannot be found locally, and in some cases, that out-of-the-immediate-area expertise could be freer to speak on sensitive issues and therefore be better than local expertise even if it is available. This view does not negate the importance of having locally affected parties included in the process.

As to the various and sundry figures put forth in the draft - here lies our greatest departure from your conclusions. In reviewing

the draft the sense remains that the effort is still too short-sighted, that corporations and institutions will fade away and residual radioactivity will continue to pose a threat to unpredictable population shifts and activities. This is the most important part of the entire nuclear business here, the closure, and we demand a far stricter standard. In the conceptual and rationale portions of the document frequent references are made justifying the high criteria figures by comparisons to remediated Superfund site standards. We take the greatest exception to Superfund sites being used as a standard. At best the Superfund contamination occurred accidentally - we are in the position now of making a sober effort to never have that kind of negative association made with our nuclear industry. The whole concept of combining goals and limits and ALARA and normal and abnormal considerations of license termination in a rule provides an unholy mix with obvious loopholes. We reiterate that we do not accept the concept of restricted release of sites.

GANE stands firm that a return to natural background is the genuine fair standard. Because we know that you will set a numerical standard we also want to enter the argument with the best possible figure for you to consider, but we want to make it plain that we realize that residual radioactivity is going to kill and maim people and creatures and plant-life and allowing any residual man-made radioactivity really should be viewed as a crime.

Still, we feel that your framework will compel you to work with numbers, so we want to discuss those with you. In the enhanced participatory portion of this rule-making we sent you copies of two documents from the Massachusetts Department of Health to enter in the record. These documents are 1) Radionuclide Emissions from the Pilgrim Nuclear Power Plant and 2) Investigation of Leukemia Incidence in 22 Massachusetts Communities 1978-1986. We ask you to refer to these as you need, and to please contact us for new copies if you need them.

In the first document, the State of Massachusetts Department of Health drew the conclusion that exposure to the population of .03 mrem per year would have the effect of causing one cancer death

per year per one million exposed people. That exposure rate would also cause two non-fatal cancers. There are no figures provided that assess Downs' syndrome and other gross genetic deformities known to be caused by radiation exposures. One allowable cancer death per million people exposed is the EPA legal standard for chemical contamination and provides a better model than remediated Superfund sites for our effort here. .03 mrem per year is the figure that correlates with the EPA standard.

Consider with us:

There are 223 sites which will require decommissioning as of 1994. If you have an average population of 10,000 people that will be exposed to .03 mrem residual radioactivity from each site, annually two people will die and four people will have non-fatal cancers.

If you allow 3 mrem of residual radioactivity, every year, 223 people will die, 446 people will have non-fatal cancers.

If you allow 15 mrem of residual radioactivity, EVERY YEAR, 1,115 PEOPLE WILL DIE and 2,223 people will suffer from non-fatal cancers.

If you allow, GOD FORBID, 100 mrem of residual radioactivity at each of 223 sites in the United States, every year, EVERY YEAR, 7,433 people will DIE and 14,866 people will drain the national health care plan for treatment for fatal cancers.

We acknowledge the lack of scientific basis for speculation of what an average number of affected people will be around these many sites, but you see the point, real people will be affected by this profit-seeking industry and the numbers of people affected increase dramatically while the millirem figures continue to LOOK small.

We say, POISON IS POISON and MURDER IS MURDER. We are not even taking into account here the tragedy of unfavorable genetic mutations, the blinded babies, the spineless babies, the Downs'

syndrome babies, the still-births, the sterilizations of not only people, but plants and animals. We must act now with an effective rule to effect responsible closures to our nuclear activities of the past 50 years.

So, it is GANE's position that the criteria for residual radioactivity can be no higher than .03 mrem per year per site. If this figure is lower than NATURAL background for the site, the burden of proof is on the licensee. The criteria are: natural background level or .03 mrem per year. If the criteria is not met, the site cannot be considered decommissioned and the licensee remains liable for the state of affairs of its operations.

We are surprised that we have to, but we state that ACTUAL MEASUREMENTS must be used to validate that the criteria has been reached.

As previously stated we prohibit the concept contained in Section 20.1405 Criteria for License Termination Under Restricted Conditions. Either sites must be remediated fully to normal background radiation levels, or populations must be prevented from accidental exposure to the remaining contamination at the expense of the profit-making entity. And we remind you that control of the site will have to be maintained for thousands of years. Definitely the highest goal is to remediate every contaminated site in the country fully.

We find one of the most compelling pieces of evidence that the NRC used the enhanced participatory process to LISTEN to us in Section 20.1408 Minimization of Contamination. We support your inclusion of this concept in the rule, while pointing out that the nuclear waste disposal issue in this country remains unresolved and any spent fuel, any so-called low-level waste remains incredibly problematic in the face of this missing piece of the puzzle.

We want you to delete the references that suggest that the rule does not apply if the cost would be driven too high. We are all responsible for protecting the future generations from harm or non-existence due to our activity, and it is shameful to make today's financial cost a barrier to doing the right thing.

We request that the rule clarify that the criteria applies to sites and that a site that contains two or three power plants would have to attain the criteria for the site and not each plant. In other words, Georgia Power will remediate the Plant Vogtle site which contains two reactors to .03 mrem residual radioactivity, not .06 mrem.

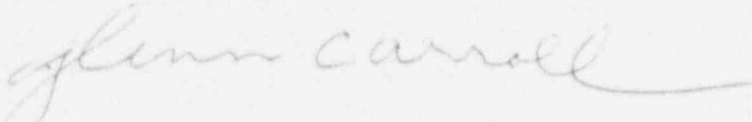
It is impossible to consider this rulemaking without considering the actuality of the task of site remediation, a sense that we suspect is even keener within industry. As such, we realize a need to have a clear criteria, to not hold the threat of double jeopardy over the industry. The industry is actually better off with an extremely low limit of .03 mrem because it truly will effectively protect the environment and the public health where a dose limit of 15 mrem or even 3 mrem will continue to come under fire. Also, by setting an extremely low limit, the clean-up contractors will be driven to develop their technology further than for a weak limit.

The validation issue continues to concern us. As in the case of Superfund, it hangs over us that we may find out later that a site is not as clean as it had been certified to be. We feel there is a need for continuing legal responsibility. It might take the form that the company suffer meaningful fines for noncompliance and that individuals be held legally responsible for anything they sign. If industry cheats on clean-up, people will die and suffer horrible illness and there needs to be a strong deterrent to keep industry straight. We appreciate that the nuclear industry has a tremendous challenge ahead of it to develop the decommissioning process - tough reprisals and deterrents can become part of the incentive, along with a proper residual radioactivity criteria.

Finally, although these comments address the rule proper, we want to note that a read of the background section of the draft shows a great sensitivity on the part of the NRC personnel who drafted this to the input they were given. We want to acknowledge that passages such as the one firmly dealing with the lack of evidence for a safe threshold of radiation exposure or any beneficial

levels of exposure foster confidence that people at the NRC are dealing in reality and making a sincere effort to fulfill the NRC mission. The discussions of the hazards of handling radiation are refreshingly honest. We think that one beneficial outcome of your adventure with public participation may be that you find in us a great ally to help you stand firm against the tide of pressure from industry to make it easy for them to cut corners and maximize profits. We the public have the greatest investment in your mission to protect us, and we remain very glad at this great opportunity to help you do just that.

Sincerely,

A handwritten signature in cursive script that reads "Glenn Carroll". The signature is written in dark ink and has a long, sweeping underline that extends to the right.

Glenn Carroll for  
GANE (Georgians Against Nuclear Energy)  
P.O. Box 8574  
Atlanta, GA 30306  
404-378-GANE (404-378-4263)