

DOCKET NUMBER
PROPOSED RULE PR 19, 20, 21 et al.
(59FR6792)

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7019 Ashridge Arnhem Road
Sardinia, Ohio 45171

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

May 11, 1994

Commissioner Chilk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
FAX: 301-504-1972

RE: PROPOSED RULE, CERTIFICATION OF GASEOUS DIFFUSION
PLANTS, CFR 6792

Dear Commissioner Chilk:

As a resident Southern Ohio in close proximity of the Portsmouth Gaseous Diffusion Plant, I appreciate the courtesy extended to me by your office in agreeing to accept my comments for consideration in regard to the proposed rule change, Certification of Gaseous Diffusion Plants, CFR 6792. Given the limitations of time, difficulty of accessing information and supporting documents to craft detailed comments, and the vital importance of the issues contained in this proposed rule change upon the future of my home and community, I will focus upon the following major issues and concerns.

1. Lack of timely public access to rule making/rule proposal process

I subscribe to both the FEDERAL REGISTER INDEX and LIST OF CFR AFFECTED SECTIONS in order to be informed of proposed rule changes that directly affect my home and community. I received my copy of the January-February 1994 Index on April 21, 1994 containing public notice of CFR 6792 proposed rule change. After contacting your office and obtaining permission to submit comments for consideration on April 22, 1994 I began attempting to obtain information to develop those comments. The two libraries with CFR updates are located in Cincinnati, Ohio at the main branch of the public library and the Federal Courthouse, both are more than an hour driving distance from my home. On my first non scheduled working day, I obtained the CFR Sections from the library. I requested a copy of ENERGY POLICY ACT OF 1992 which I still do not have. A copy was mailed to me, but was lost in the mail.

I have made reasonable effort to respond to the initial

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30 day comment period notice, but was unable to do so in the time allowed in that original notice. Please open the comment period for a period of 120 days which would give a citizen time to research the vital issues of this rule change and provide well documented, thoughtful comment to your agency.

2. Lack of access to specific documents/information for more fully detailed comments, specifically ENERGY POLICY ACT OF 1992 (referenced frequently in CFR 6792), FINDING OF NO SIGNIFICANT IMPACT TO THE HUMAN ENVIRONMENT (FONSI), supporting document of the FONSI, ENVIRONMENTAL IMPACT STATEMENT PORTSMOUTH GASEOUS DIFFUSION PLANT SITE, MAY 1977, FINAL ENVIRONMENTAL IMPACT STATEMENT PORTSMOUTH GASEOUS DIFFUSION PLANT EXPANSION, SEPTEMBER 1977, and FINAL ENVIRONMENTAL IMPACT ASSESSMENT OF THE PADUCAH GASEOUS DIFFUSION PLANT SITE, AUGUST 1982.

Even though this documents are available to the public through FOIA request and public viewing. They are not available in the time frame imposed by comment period time frame, even with the special courtesy extended to me. Documents available for viewing in Washington, D.C. are, in practicality, unavailable to the public in a brief time period.

3. Public health and safety concerns are not being addressed even though the U.S. EPA has assigned a score of 56 to the Portsmouth site, twice the normal score to place this site on emergency Superfund Clean Up status. This scoring would indicate adverse impacts/risks to worker and public health that show critical need of attention to protect the health and safety of the affected public.

The objectives of 10 CFR part 100 for the protection of public health and safety are to be used by the Corporation (U.S. Government Enrichment Corporation) "as an operational goal" or guideline which would ultimately "result in this goal being met or that adequate supplementary protective measures are developed and implemented." The use of "operational goals" not limitations of the radiation doses to be received does not protect the health and safety of the public.

In addition, "the operational objectives to be used by the Commission will be that no individual at the site boundary would be likely to receive a total radiation dose to the whole body in excess of .25Sv(25rems)." (Section 76.65 page 6795) This statement does not specify whether this allowable dose would be per day, or per year.

4. Provisions for "criticality" and Community Right to Know Laws indicate probability of high risk and should require the preparation of an ENVIRONMENTAL IMPACT STATEMENT under NEPA 1969. (CFR 6809, Sections, 76.85 and 76.89) Even low probability of high risk impacts require an EIS much more current than those prepared over twenty years ago on facilities that have been operating for over 40 years with a questionable safety record by current standards.

"Environmental problems at Portsmouth involve solvent contamination of the aquifer beneath the site. Plumes of ground water contaminated with solvents extend from several locations within the plant. A large plume of chemically (trichloroethylene) contaminated ground water is moving off site at a rate of 1 inch a day. In May, 1993, it was 120-150 feet from the plant boundary. In addition, two locations have been contaminated with hexavalent chromium used (as) an anti corrosive in the plant's cooling system." (PORTSMOUTH AND PADUCAH ADDENDUM, Dr. William Weida for the Colorado College and Economists Allied for Arms Reduction, March 16, 1994.)

5. The proposed rule change severely limits the rights of the community and workers to access information regarding adverse environmental conditions and dangers to public health, past, present, and future, by restricting data classified not only as National Security Information, but including safeguards information, proprietary or other "withholdable data" and separated from the information made available to the public.

Existing levels of contamination and risks are not being examined before transference of oversight to NRC and licensing of operations to a private corporation and can be withheld in the future under various classifications of data that have nothing to do with National Security.

6. The mandates of NEPA are not being upheld in protecting the rights of all citizens to live in a clean healthful environment. The direct and indirect impacts of future operations of these facilities require the preparation of an Environmental Impact Statement to address conditions presently existing at these sites and trigger clean up activities. Neither the Department of Energy nor the Nuclear Regulatory Commission have addressed past and present site contamination within the past twenty years. Appalachian Communities should not be forced to continue to live with health and environmental contamination in order to keep these plants in operation under economic threat or disaster from plant closures. The FCNSI clearly shows a

tolerance for a level of pollution that would not be tolerated in communities more populous and less economically dependent upon them. In 1992 U.S. EPA studies showed that more pollution was permitted in poor and minority communities, that enforcement against violations was much more infrequent, and fines, when imposed, were much less than in suburban, more affluent, white communities. Tolerance for pollution in rural Appalachia is justified as a cost of jobs. This policy does not protect the public health and safety equally under the law.

7. The larger issues of public health and safety in contamination of the ground water supply used by the citizens of Ohio and Kentucky as a drinking water source has not been addressed. Both the Portsmouth and Paducah sites are potential sources of contamination to one of the largest aquifers in the United States. Both sites require an environmental assessment and the preparation of an EIS in order to insure protection of this valuable resource and prevent risk to public health.

8. Neither the Department of Energy nor the Nuclear Regulatory Commission have fulfilled their responsibility to address the issue of waste disposal presently stored at these two sites. The Portsmouth site presently stores 22,000 barrels of contaminated materials, mostly soils, in barrel stacked three tiers high at the fence boundaries of its over 3,000 acres. With the transfer of licensing and oversight from DOE to NRC, what agency is now responsible for the existing waste on site at these facilities?

The use of commercial low level radioactive waste disposal facility such as the one being proposed for siting in Ohio under Midwest Compact appears likely.

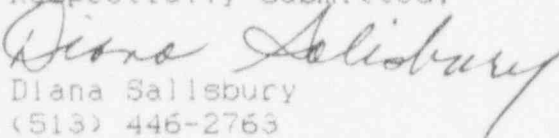
The transfer of responsibility of oversight to the NRC for private corporation operation of these two plants results in NO CLEAN UP of either site until cold shut down at which time the DOE again becomes responsible for waste disposal. Mixed waste presently exists on site at the Portsmouth facility and pollutants are moving off site at a rate of one inch per day.

Site contamination of both the Portsmouth and Paducah Plants must be addressed as contamination currently exists at both sites. Environmental Impact Statements from more than twenty years ago cannot possibly address current site conditions. Environmental Impact Statements need to be prepared for both sites to protect the health and safety of workers, nearby residents, the surrounding larger community, and the natural environment.

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Please reopen the comment period for a period of 120 days to allow the public access to the process and to insure that serious environmental conditions receive the proper consideration they deserve to truly protect the public health and safety and the natural environment.

Respectfully submitted,



Diana Salisbury
(513) 446-2763
Political/Legal Action Committee Chair
Serpent Mound/Ohio Brush Creek Coalition

PORTSMOUTH AND PADUCAH ADDENDUM

William J. Weida
The Colorado College
And
Economists Allied for Arms Reductions

March 16, 1994

The plant produced weapon grade uranium for warheads and submarines. Portsmouth was owned by DOE and managed by Goodyear Atomic until 1986 when Martin Marietta took over the contract.

Operations at Portsmouth were controlled by the Oak Ridge Operations Office through fiscal year 1993, when the Oak Ridge budget was \$452.6 million. On July 1, 1993, Portsmouth was taken over by the U.S. Enrichment Corporation on a six-year lease. Martin Marietta continued to operate the plant.¹

Required Cleanup Work At Portsmouth

Environmental problems at Portsmouth involve solvent contamination of the aquifer beneath the site. Plumes of ground water contaminated with solvents extend from several locations within the plant. A large plume of chemically (trichloroethylene) contaminated ground water is moving off the site at a rate of 1 inch a day. In May, 1993 it was 120-150 feet from the plant boundary.² In addition, two locations have been contaminated with hexavalent chromium used as an anti corrosive in the plant's cooling system.³

On March 7, 1978, over 10 tons of uranium hexafluoride escaped from a ruptured cylinder at Portsmouth. 75 percent of the material left the site as an airborne plume. 2500 pounds of uranium was lost into a drainage ditch, and 1500 pounds of that escaped into the Scioto River.⁴ 12 million pounds of mixed waste is stored at Portsmouth, most of which is contaminated soil.⁵

Cleanup activities at Portsmouth provide 37.5 jobs per \$1 million spent in the local region. This includes 16 direct jobs at the site and 21.45 additional jobs in the local region. By contrast, current operation of the Portsmouth site only provides about 12 jobs per \$1 million, of which only 2.5 are jobs at the Portsmouth site.⁶

¹Schwartz, Susan, "Future of Piketon plant still uncertain", Portsmouth Daily Times, May, 1993.

²Schwartz, Susan, "Plant cleanup: 'Tremendous work, effort'", Portsmouth Daily Times, May 21, 1993.

³DOE, Environmental Restoration and Waste Management Five Year Plan, FY1994-1998, DOE/S-00097P, Vol. 2, p. II-177.

⁴Simakis, Andrea, "The Land of the Sick", Columbus Guardian, June 9, 1993.

⁵Richard, Mark, "Officials review A-plant cleanup", Portsmouth Daily Times, May 18, 1993.

⁶Regional Multipliers: The regional Input-Output Modeling System (RIMS II), U.S. Department of Commerce, Bureau of Economic Analysis, 2nd ed., May, 1992.