

Background comments on the NRC Public Meeting on July 6, 2000 in Limerick, PA on the safety of the Limerick Nuclear Power Plant

My name is Tina Daly. I live near Phoenixville and within ten miles of the Limerick Nuclear Power Plant. I am submitting this document on behalf of the Alliance for a Clean Environment, Stowe, PA and for the Nuclear Waste Team of the Pennsylvania Environmental Network, Fombell, PA. ACE is a non-profit environmental justice organization concerned with issues in the Pottstown area. PEN is a statewide organization, now over a decade old, which is also concerned about environmental justice issues.

It is my understanding that in the immediate past the Nuclear Regulatory Commission's (NRC) operating regulatory philosophy was about redundancy of safe guards at nuclear power plants. The NRC apparently felt it did not have a long enough history and enough experience to regulate otherwise, and so opted for redundancy and safety. Therefore, the NRC regulations were on the conservative side.

Now things are changing. At this time the NRC apparently feels it has a long history, enough experience and enough years of regulating operations at nuclear power plants and they feel they can now deregulate and be more "realistic" in their regulations. An NRC employee told me that the NRC is now going to focus on the really important things and not on the small issues.

It is important to keep in mind that licensees pay fees that support the NRC budget. In other words, the regulated financially support their regulators. This may be viewed as a conflict of interest.

The regulated community, that is the nuclear power industry, has asked the NRC to stop setting formal regulations, that is regulations which would have to be in compliance with the Administrative Procedures Act of 1946, and instead to take a generic approach, that is, to abolish formal rule making. As far as we know, to date this has taken the form of the NRC sending generic letters to licensees advising them of problems at other sites and asking them to respond. However, there is no regulation that requires a response or compliance or that any thing be corrected as a result of receiving these letters.

The use of these generic letters would apparently replace formal requirements if the proposed changes are adopted.

Keep in mind that if there is no formal rule making of formal regulations, then the NRC can use informal hearing procedures. Informal hearing procedures means there would be no sworn testimony, no cross examination, and no formal hearing record in case things would go to court. No formal rules means there would not be compliance with the Administrative Procedures Act. It means NRC won't have to publish intent to act in the Federal Register. It means there would be no requirement to take formal public

comments. The NRC would not have to conduct formal adjudicatory proceedings. The NRC would not have to allow the public to intervene, even in informal cases.

Tonight we are seeing the ramifications of this policy, which has not yet been fully adopted. NRC is beginning to replace opportunity for legal intervention in formal adjudicatory hearings with "public hearings" or "sessions" or "meetings" that do not include sworn testimonies, so anybody can say anything, true or false, and there is no record compiled that would stand up in a court of law, even if it is still possible to get into a court to challenge what is going on.

Regarding performance based standards: performance based appears to mean that if the valve hasn't broken yet, its okay; if the pipe hasn't failed yet, its performance is fine. This is scary stuff.

As for risk: one the current best examples of risk are wildfires. As far as we know the safety related issue of wildfire has never been factored into the Probabilistic Risk Assessment that is supposedly now the regulatory basis along with the performance based regulatory philosophy. In view of the recent totally out of control fires (as far as we know they were out of control) at Los Alamos and Hanford it is time for the NRC to deal with this issue in a public way. We wonder what other risks may not have been factored into the Probabilistic Risk Assessment. We wonder what is considered to be a risk under the NRC philosophy.

It has come to our attention that nuclear power plant owners want to cut costs so that they can participate more fully and easily in the free market system. We understand that Amergen has fired workers at one of the their plants in Illinois. We also understand that the NRC is cutting enforcement staff at nuclear power plants. This combination of cutting enforcement staff and firing experienced workers means to us that there will be serious results. We view the cutting back of enforcement and staff as safety issues which must be aired in public.

QUESTION: Please tell us how the public will be part of the decision making process at the NRC table in the future – especially concerning the defining of what is a safety issue and then explain how those issues will be managed. What kind of on the record participation will the NRC allow?

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