

New England Coalition on Nuclear Pollution

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Chairman Richard A. Merserve
Commissioner Nils J. Diaz
Commissioner Greta J. Dicus
Commissioner Jeffrey S. Merrifield
Commissioner Edward McGaffigan, Jr.
US Nuclear Regulatory Commission,
Washington, DC 20555-001

**RE: TECHNICAL STUDY OF SPENT FUEL POOL ACCIDENT RISK
AT DECOMMISSIONING NUCLEAR POWER STATIONS
COMPLETED OCTOBER, 2000 - ISSUED JANUARY 2001
COMMISSION MEETING - FEBRUARY 20, 2001**

Chairman Merserve,
Members of the Commission,

My name is Raymond Shadis. I am an employee of the New England Coalition on Nuclear Pollution charged with investigating and addressing nuclear safety and environmental issues at New England's five operating and four decommissioning nuclear power stations. Since 1997 I have represented the Maine organization, Friends of the Coast- Opposing Nuclear Pollution on Maine Yankee Atomic Power Company's Community Advisory Panel on Decommissioning. In those dual roles I took part in several of the public issues meetings and workshops that led to the Staff Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Stations.

Although I have provided the Commission some broad notes on the study and hope to engage the NRC staff on some of the technical issues relevant to the study, I will, because of time constraints, attempt to lay open only three points for your consideration this morning:

1. The study report is limited in scope and application. It can contribute significantly to understanding spent fuel pool risks at decommissioning nuclear power stations but does not provide the basis for an overall determination of those risks. The conclusion that risk of zirconium cladding fire and consequences falls within NRC risk targets is unwarranted if significant amounts of site specific data regarding physical and operational conditions and history are not factored into general assumptions.

The broad conclusion that risk is within acceptable limits is also unwarranted if basic accident initiating and consequence driving phenomena such as criticality in geometrically displaced fuel and fire propagation from very hot, oxidizing fuel to fuel which is less hot are, as they are in this study, admittedly not accurately quantifiable.

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If the study accepts that EPRI and Lawrence Livermore seismic risk conclusions, an order of magnitude apart, are equally acceptable, all well and good, but it tells me that the acceptable or likely risk number is not necessarily anywhere between the two. It tells me that either study could be valid within an order of magnitude above or below the bandwidth covered by conclusions of each study.

2. NRC's effort to involve public stakeholders is commendable but flawed. Having expended considerable good faith effort to take part in the initiative to risk-inform decommissioning, our experience tells us there is a whopping disconnect between soliciting participation and making that participation meaningful. This is not unique to the efforts leading to this study. If anything, responsiveness in building the study was better than usual. However, for many of the stakeholder issues, both from industry and the public, I'd have to say they appear to have been dealt with or responded to before they were thoughtfully considered or before they were understood and informed through real dialogue. Here, of course, the industry has an enormous resource and access advantage over public interest advocates. They are here everyday and, if they don't get their way, they have on Capitol Hill the best political persuasion that money can buy. We call on the Commission to at least somewhat grade this inordinately unlevel playing field by establishing an Office of Public Ombudsman.
3. Finally, we urge the Commission to caution that public statements of the agency and its staff not be so consistently weighted to soothing public apprehension and protecting licensee public relations. We recommend that we, and our local officials, be the judges of whether or not we can handle the whole truth. An exception may be our Maine State Nuclear Safety Inspector, who interestingly enough admits to [and demonstrates] no nuclear expertise, and who having conferred with the licensee then issued a public statement asserting that the zirc fire study had little relevance to decommissioning at Maine Yankee. She also wrote that the remedy for a leaking fuel pool was to simply load the fuel into casks. Public advocates in Maine would appreciate some affirmative response and a reality check on the part of NRC. In my role as an NRC Reactor Oversight Program Evaluation Panel member, I was recently taken in awe to hear a nuclear industry executive caution that it was better for the viability of the industry to find fault where there was none, rather than to find there was no fault only to have events prove you wrong. It is an analog to the environmentalist's "precautionary principle" and we urge that it is an approach more deserving of public respect than the NRC's public affairs leitmotif of, "Don't worry, be happy."

Thank you, Mr. Chairman and Commissioners for your kind attention.

Raymond Shadis
for the
New England Coalition on Nuclear Pollution