

From: CAN <can@nukbusters.org>
To: <dgeis@nrc.gov>
Date: 1/31/02 1:13PM
Subject: Comments on Generic Environmental Impact Statement on Decommissioning

Deb Katz
Citizens Awareness Network
Box 83 Shelburne Falls, MA 01370
413-339-5781
can@nukbusters.org

11/9/01
66 FR 56721
(50)

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709 JAN 31 11 3:07
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1/31/02

Template = ADM-013

F-RIDS = ADM-03
Add = M. Masnik (MTM 2)

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Comments on Draft Supplement 1 of the GEIS on Decommissioning Reactors

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MA: Box 83 Shelburne Falls, MA 01370 P/F: 413-339-5781/8768

CT: 54 Old Turnpike Road, Haddam, CT 06438 P/F: 860-345-2157

VT: PO Box 403, Putney, VT 05346 P/F: 802-387-4050

NH: 9 Evens Road, Exeter, NH 03820 P/F: 603-742-4261

NY: 166 Basset St Syracuse, NY 13203 P/F: 315-425-0430

WESCAN: 2A Adrian Court, Cortlandt Manor, NY 914-739-6164

NYCAN: 144 North 11th St. Brooklyn, NY 11211 718-963-9105

CITIZENS

AWARENESS NETWORK

January 30, 2002

Chief, Rules and Directives Branch
Division of Administrative Services
Mail Stop T-6 D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555

RE: Generic Environmental Impact Statement on Decommissioning Nuclear Facilities: Draft Supplement 1 Dealing with Decommissioning of Nuclear Power Reactors

Dear Sir or Madam:

By this letter, the Citizens Awareness Network (CAN) formally submits written comment on the draft supplement 1 Generic Environmental Impact Statement (GEIS) involving the decommissioning of nuclear reactors. CAN provided the Nuclear Regulatory Commission (NRC) with verbal comment at the draft supplemental GEIS scoping meeting held in Boston, MA on May 17, 2000 and written comments in July 15, 2000. CAN is a volunteer, grassroots organization with chapters in reactor communities in MA, CT, VT and NY. We have over 3,300 members and represent the views of many thousands more. We attempted to email these comments on 1/30/02, but were unable due to server problems.

The regulations are in violation of the appellate court decision in CAN v NRC. The court ruled that decommissioning remained a "major federal action" requiring National Environmental Policy Act (NEPA) compliance. CAN strongly urges the NRC to enforce NEPA compliance and require decommissioning reactors to undertake site specific Environmental Impact Statements (EIS). In addition CAN requests the Commission withdraw the proposed draft and revise it so that it complies with the ruling of the court decision. Until such a time when site specific EIS's are done, CAN requests that paragraphs below be incorporated into the draft supplement 1 GEIS.

The Appellate Court justices opined that your agency was in violation of its own regulations and Rulemaking process in approving the experimental decommissioning at the Rowe reactor without a decommissioning plan and an environmental assessment. In addition, the court has ruled that decommissioning is a **major federal action** and requires **NEPA compliance**. "An agency can not skirt NEPA or other statutory commands by exempting a licensee from compulsory compliance, and then simply labeling its decision "mere oversight" rather than a major federal action. To do so is manifestly arbitrary and capricious." We believe NEPA

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compliance is mandatory for decommissioning. A Generic Environmental Impact Statement can not substitute for an individual EIS, as computer modeling can not substitute for actual testing.

CAN believes it is essential for NRC to continue to define decommissioning as a major federal action. As the Appellate Court opined "....., it is undisputed that decommissioning is an action which, even under the Commission's new policy, requires NEPA compliance 10C.F.R.S 51.95(b.)" CAN believes that streamlining the process for nuclear corporations and setting aside NRC requirements abdicates the responsibility to protect the health and safety of the workers, the public, the environment, and violates citizen due process. Nuclear power generators should not be given broad discretionary powers to regulate themselves, which this Draft proposes. Protecting public and worker health and safety and the environment must remain the NRC's mission.

Can requests the NRC restore distinct categories between reactor operations and cessation and that the Possession Only License should be reinstated. It affords citizens the possibility for a hearing prior to reactor decommissioning. The opportunity for a hearing must not be withdrawn by the Commission. The hearing is essential for communities to participate in matters that vitally effect them. To offer a hearing at the termination of the license rather than at the cessation of operations sets aside meaningful citizen participation.

Major component removal should not be approved with the submission of a Post Shutdown Decommissioning Activities Report (PSDAR). A clear definition must be established to clarify what constitutes major and minor component removal. Approval of decommissioning plan should be required before major decommissioning activities begin. The PSDAR does not afford the community effective input into the decommissioning process since this document is a skeletal outline of generalized activities planned by the licensee. The elimination of sub part M hearings coupled with the instituting of sub part L further inhibits public participation and is a violation of citizens constitutional rights guaranteed under section 189a of the Atomic Energy Act.

The PSDAR skirts accountability and obstructs required public participation. The PSDAR does not require a clear description of the methodologies so that the public can understand what will be taking place during decommissioning. Only with a sufficiently detailed plan, can the public meaningfully research, investigate, formulate comments and questions, and possible objections to the decommissioning activities. A meeting does not afford citizens the level of institutional accountability necessary given the dangers of enviro-toxic contamination inherent in the reactor cessation. Informational meetings, as experienced at Yankee Rowe, CT Yankee, Maine Yankee, and Millstone Unit 1 obfuscated, confused, and ignored the concerns of local citizens. Both the Federal District Court and the Appellate Court chastised the agency for this approach. If the community has concerns, and there is no regulatory recourse save one "meeting" with NRC, the Commission will, in fact, create polarization between the community and regulator leading to erosion of public confidence in the NRC

Further Comments:

1. Health problems in the community must be determined and taken into consideration when decommissioning plans are being established since continued exposure to radiation through routine decommissioning releases and the inadvertent release of hot particles can jeopardize the health and safety of the public.

2. New environmental assessment documents must be required, as old assessments are outdated and have been found to be inaccurate both on and offsite.
3. Although the NRC claims numerous successful decommissionings of nuclear sites, few large-scale reactors that operated for decades have completed successful decommissioning. Decommissioning remains experimental. Resources and time required for decommissioning a site have been routinely underestimated. More importantly, worker doses have been repeatedly underestimated. Safe decommissioning is about radiological control and the need to limit exposures to the workers. Nuclear corporations have failed to do this because of inexperience and a lack of enforcement by the NRC. With over 100 nuclear reactors yet to be decommissioned in this country, cutting decommissioning exposures by 200-300 person-rem per reactor will reduce the nation's nuclear workforce exposures by 20,000-30,000 person-rem.
4. Nuclear reactors, through planned and unplanned radioactive releases, can create plumes of contamination, which migrate offsite. Yankee Rowe currently has a plume, which reached springs, feeding into the Deerfield River where residents recreate. Connecticut Yankee has plumes of tritium and other radionuclides which have migrated into the aquifer and the Connecticut River for decades. Accountability (i.e. remediation and/or long term monitoring) for plumes of contamination that have offsite consequences must be established. Furthermore, accountability must be established for routine NRC-regulated releases, which have accumulated in the discharge pathways. Big Rock Point, Millstone Unit 3 and other reactors have identified contaminated sediment caused by such releases. Remediation must capture such plumes both onsite and off.
5. Methodology must be established to locate and collect for proper disposal contaminated tools, soils, concrete blocks, plywood and other building materials that may have been taken offsite by workers during reactor operation such as was the case at Connecticut Yankee and Yankee Rowe.
6. In addition to onsite worker doses, decommissioning exposure calculations must capture and include doses incurred by workers involved in offsite reactor decommissioning activities i.e. shipping, decontamination, smelting, recycling etc. of all radioactive materials and components.
7. Using an adult male as the average member of the critical population for dose calculations in site release criteria does not establish effective clean-up standards. The adult male assumptions address workers during reactor operation; however when reactor sites are released for unrestricted use the "average member" of the critical population requires the inclusion of children since they bear the greatest burden of the affects of ionizing radiation as described in the Biological Effects of Ionizing Radiation (BEIR) V report.
8. The License Termination Plan (LTP) should be established, reviewed by the public and approved by the NRC before site remediation begins.
9. Partial release of property for unrestricted use should not be allowed until the LTP has been established, reviewed by the public, approved by the NRC and implemented on the given piece of land. Furthermore, methodology should be established for preventing recontamination of the released

property through environmental migration e.g. rain, wind, etc and future decommissioning activities i.e. excavating, tracking or relocating contaminated materials.

11. Clear methodologies should be established for the clean up of transuranics and hot particles. Yankee Rowe failed to include transuranic measurements in its LTP and currently Connecticut Yankee intends to avoid doing direct alpha measurements (and beta measurements) through less expensive surrogate measurements of easier-to-detect radionuclides through less expensive surrogate measurements of easier-to-detect radionuclides. Surrogate measurements must not be allowed at sites where consistent ratios of radionuclides do not exist.
12. The burial of radioactively contaminated material as a means of *site remediation* is unacceptable for property that is to be released for unrestricted use. Rubblization (the burial of contaminated rubble) must not be permitted under any circumstances. The permission to build nuclear reactors hinged upon the utilities' commitments to regulators and the community to restore the site to "green fields". Rubblization is a blatant default on cleanup commitments, is a gross injustice to reactor communities and is a regulatory cave-in to utilities' desires and financial needs. In response to rubblization CAN also incorporates by reference Contention's 5.2 and 5.3 submitted by the organizations to the Commission on March 12, 2001 regarding Haddam Neck Reactor's License Termination Plan (Docket No. 50-213-OLA).
13. Given the repeated and serious exposure of workers during decommissioning of reactor sites, an onsite NRC inspector should be required throughout decommissioning to protect worker health and safety.
14. Nuclear corporations should not be allowed to decommission reactors under an operating license through a series of amendments nor should they be allowed to create an Independent Spent Fuel Storage Installation (ISFSI) under an operating reactor license when they are decommissioning. Decommissioning reactors installing ISFSI's should be required to go into a part 72 license to provide adequate regulatory oversight protect public health and safety. The part 72 general license provision for creating an ISFSI at an operating reactor was never intended to cover a decommissioning reactor when regulatory oversight is minimized.
15. Public participation must be instituted for the creation of the ISFSI. At present, the creation of an ISFSI falls into a regulatory no man's land. At the NRC pre-hearing on the Yankee Rowe LTP, the NRC administrative law judges were instructed by the commission not to address any contentions concerning the storage of high-level radioactive waste. The creation of the ISFSI has serious consequences for each reactor community that could last hundreds of years. That the public can not participate in the process - give comments, request hearings, intervene - is unreasonable and undemocratic.
16. Given the recent experience with wild fires at the Los Alamos and Hanford Nuclear Reservation and now the potential for flooding and massive soil erosion, the NRC should re-evaluate risk assessments and dose calculations for decommissioning reactors.
17. Methodology must be established to determine the extent of underground rad waste contamination and burial. The Multi-Agency Radiological Site Survey and Investigation Manual (MARSSIM) establishes measurement criteria for only 6 inches below the surface of soil. MARSSIM does not

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address the serious problem of locating and remediating underground contamination. Before 1980, the NRC in fact allowed the burial of rad waste onsite. A General Accounting Office (GAO) investigation found that the routine burial of rad waste 4 feet deep at reactor sites before 1980 occurred **without** adequate documentation.

19. Each reactor community should have representatives trained in MARSSIM and other protocols by the NRC so that they can effectively comment and express their concerns about the adequacy of the procedures being used.
20. In the aftermath of September 11th, NRC and licensees must address earlier assumptions that decommissioning was less dangerous than operation and that security measures and insurance could be reduced because of it. Nuclear fuels pools as well as on site dry cask storage of high level waste are targets for terrorism. In fact decommissioned sites could be selected as targets because there is less security and oversight during decommissioning and the monitoring of the ISFSI. NRC must required increased security and the reinstatement of insurance provisions. Additionally, emergency preparedness drills and the EPZ should be reestablished. KI should be stockpiled in communities since the potential for off site consequences from a terrorist attack is possible.

Sincerely,

Deb Katz
Executor Director
Citizens Awareness Network

Rosemary Bassilakis
Researcher
Citizens Awareness Network