



# State of New Jersey

Christine Todd Whitman  
Governor

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Robert C. Shinn, Jr.  
Commissioner

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04/11/95

S. Klementowicz

Chief  
Rules Review and Directives Branch  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Sir:

I am writing to express my deep concern with the proposed change in the NRC Cooperative Agreement Program. The Federal Register Notice listed in the April 11, 1995 issue (Vol. 60, No 69) announced the NRC's intention to reduce the scope of work under the NRC Cooperative Agreement Program. The proposed reduction in the scope of work for 1996 covers the elimination of the environmental radiological verification monitoring program, while maintaining the direct radiation monitoring network. In New Jersey, under Cooperative Agreement No. NRC-28-83-609 we were the recipient of about \$52,600 annually for the purpose of providing independent analyses of environmental samples taken around Oyster Creek, Salem/ Hope Creek, and E.R. Squibb sites. These samples included air, water, milk, fish, food products, sediment, and thermoluminescent detectors. We have been performing these analyses for the past 15 years.

The Cooperative Agreement program as described in the Federal Register Notice states "the contracts for environmental monitoring were intended as a means to assist States with nuclear facilities to develop their own environmental monitoring programs, but not to fully fund the State's program." Under the Cooperative Agreement program the NRC does not fully fund the State's program. The Cooperative Agreement is a matching one, with the State funding the first fifty (50) percent and the NRC funding the second fifty (50) percent.

While I understand that the Nuclear Regulatory Commission is under severe budget constraints, and is looking at ways to cut back on any services that may be considered duplicative, I think there are excellent scientific and policy reasons to continue the environmental monitoring program. To give just one example, Oyster Creek has proposed to construct an independent spent fuel

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storage facility on its property since it will run out of space in its spent fuel pool at the next refueling. Since permits were required by the local township, several public hearings were held on the subject, and there was concern expressed by some citizens about radioactivity being released from the plant. They requested the environmental monitoring data from us as a verification of the data that was supplied to them from the facility. We were able to give them 15 years of data! While the whole debate about the spent fuel storage facility was rather emotionally charged, the presentation of factual independent data served to ground the assessments of all individuals involved, giving them a common base of understanding from which to proceed. It would seem short sighted to stop the program rather abruptly, in the midst of this discussion.

Each of the other 108 nuclear power plants in the country will have to face the spent fuel discussion since the Department of Energy is proceeding very slowly on the permanent repository. I am sure that New Jersey's experience with concerned citizens is not unique and there will be many more requests for environmental monitoring data.

The termination of the Cooperative Agreement environmental monitoring around the nuclear power generating facilities by the NRC will greatly hamper the State's ability to monitor specific pathways such as: aquatic biological (clams, fish) sediment and liquid discharge points. Currently, the utility provides the State with split samples of each of the types listed above according to established schedule in the Cooperative Agreement. In some cases the utility provides additional samples. The utilities have boats available to them for the collection of samples in locations not accessible by land. The State does not have procedures in place for the routine collection of these types of samples. An agreement with the utilities would be impractical since, as with the NRC, they are cutting back on their environmental surveillance program. In order to continue with this portion of the environmental surveillance program the State has to find an alternative method and funding for the existing surveillance.

The continuance of the thermoluminescent detector monitoring program is a wise decision. The state of New Jersey participates in both the direct monitoring network (TLD) and environmental monitoring program. We are given approximately \$5,000 per year by the NRC to support the TLD program. Like the NRC we are also looking at cost savings and reductions in program which are not financially sound. The State will have to consider whether or not participation in only the TLD portion of the program is financially feasible or require alternative funding. Consideration should be given to expansion of the direct monitoring network to enhance the data that will now be missing from the environmental monitoring program.

In addition to the two nuclear power generating sites, New

Jersey also performs environmental monitoring around E.R.Squibb & Sons radiopharmaceutical plant located in New Brunswick, NJ. This facility was selected for inclusion in the State's Cooperative Agreement by the NRC because Squibb uses a large amount of NRC regulated materials during the manufacturing of pharmaceuticals. The elimination of the Cooperative Agreement by the NRC could threaten the environmental surveillance around this facility unless alternative state funding is found.

Recently, at the state level, our budget has been so severely constrained that we have had to scrutinize each task we perform, asking ourselves whether it is cost effective in the protection of public health and safety. We had concluded that radiological laboratory services were available in the private sector at a significant cost savings over the continued support of the state radiological laboratory. We expect to change over to an outside contractor at the close of our fiscal year, June 30, 1995.

It is interesting to note that you base your decision on eliminating the environmental monitoring program due to the excellent record maintained by licensed facilities in controlling the release of radiological effluents into the environment within regulatory limits. Perhaps you should be concerned that by cutting your surveillance, you are sending a message that the licensees can also decrease their vigilance. In New Jersey an inadvertant message was sent to owners of x-ray machines due to a shortfall in inspection staff.

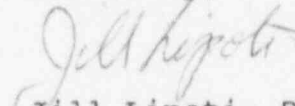
New Jersey's Bureau of Radiological Health (BRH) attempts to inspect x-ray machines in hospitals every year, and x-ray machines in doctors' office every two (2) years. The schedule is based on nationally applied guidelines which recognize that the greatest number and highest dose procedures have historically been done in hospitals, although the trend is moving rapidly towards outpatient care. Due to personnel shortage, BRH is not able to meet the inspection targets. The backlog of overdue inspections has now reached 10,000 x-ray machines. The backlog is especially high in doctors' offices since each year hospitals are given priority. The effects of inadequate inspection were recently noted in a review of violation statistics. In the last 2 years, there has been a significant increase in malfunctioning x-ray machines in doctors' offices. For every ten (10) x-ray machines inspected, 5.5 violations are being found in doctors' offices. This compares to only two (2) violations per ten (10) machines in hospitals where the inspection targets are met. We have been told repeatedly by the medical community that the inspections trigger improved equipment maintenance.

It would seem that the symbolic gesture of the NRC in eliminating its environmental surveillance could lead to carelessness or decreased vigilance as the part of the licensees. The NRC should have some program in place to verify the releases are not increasing. The TLD's may not catch all the releases.

The recent particulate release from the Hope Creek Generating Plant, April 5, 1995, is an example of where an assessment of no impact on public health and safety is grounded through a comprehensive radiological monitoring program. Without a complete sampling program, TLDs are inadequate to measure public exposure.

In conclusion, I recommend that the NRC reconsiders its proposal reduction in the scope of work under the Cooperative Agreement Program. Although the NRC could realize a \$1 million savings each year, the potential harm to the environment and public health if an unmonitored release occurs could incur much greater cost.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jill Lipoti".

Jill Lipoti, Ph.D.  
Assistant Director