



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

Reassessing NRC's Regulatory Framework

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Bottom Line

NRC does NOT need a policy statement, a revised Part 20, or a new-fangled Performance Indicator.

NRC needs only to consistently enforce all EXISTING requirements designed to protect people and the environment, or get itself a new tagline.



B.3.1 Should changes be made to the radiological effluent performance indicator in the Reactor Oversight Process to make it more reflective of performance in the area of plant releases, both planned and unplanned?

Page B-8 of the groundwater task force report:

“The current radiological effluent PI reporting requirement does not provide meaningful data.”

UCS strongly opposes replacing the PI with one tracking the number of voluntary reports per NEI 07-07.

A licensee opting not to install monitoring wells and implement other measures would have zero reports while a licensee installing bunches o' wells, excavating buried piping, and more might have lots of reports. A PI providing meaningless data is far better than a PI providing misleading indications.

B.3.1 Should changes be made to the radiological effluent performance indicator in the Reactor Oversight Process to make it more reflective of performance in the area of plant releases, both planned and unplanned? (continued)

By inspection report dated June 19, 2000, the NRC issued a **GREEN** finding under the Public Radiation Safety cornerstone to Comanche Peak for failures to perform source checks of the primary plant ventilation noble gas release rate monitor prior to releases from the volume control tanks. In hindsight, the actual releases were calculated to be well below the federal limit. The NRC sanctioned the failure to monitor, not the failure to stay below the limit. See online at:

http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/REPORTS/cp_2000003.pdf

NRC needs only to enforce now like it enforced then.

B.3.1 Should the radiological effluent performance indicator take into account public confidence in addition to the current risk-informed approach to radiation protection?

NO.

Public confidence should be an outcome of NRC's programs and processes.

Public confidence should NOT be an input into NRC's programs and processes.

When a job is done well, that should instill confidence.

When a poorly done job causes confidence to erode, fix the reasons the job was not done well.

B.3.4 How should NRC's programs accommodate or encourage industry initiatives that go beyond NRC requirements?

The INPO template could be emulated here.

NRC's requirements are minimum standards.

INPO sets standards of excellence.

When NRC finds that a licensee fell short of an INPO standard but remained above the corresponding NRC requirement, NRC should take no action.

When NRC finds that a licensee fell short of an NRC requirement – regardless of whether an INPO standard is met or not – NRC should take enforcement action.

C.3.2 Should NRC's programs be modified to ensure harmonization of the approaches we have taken to groundwater protection that are applied to different licensees under NRC regulations?

NRC's programs are already in harmony.

NRC established regulations for operating reactors, for research reactors, for fuel cycle facilities, for in-situ recovery, etc. .

NRC issued licenses, or certificates, only after determining that the facilities' designs satisfied applicable regulations.

The rulemaking and licensing processes define, for each facility, how the public and the environment are to be protected from releases of radioactively contaminated liquids.

NRC should consistently enforce ALL regulatory requirements at ALL facilities.

C.3.3 Should requirements be promulgated to require prompt remediation of unintended releases of radioactive liquids?

EXISTING requirements prohibit uncontrolled and unmonitored releases of radioactive liquids from operating reactors.

A leak or spill of radioactive liquid HAS to be remediated to meet *EXISTING* requirements. Otherwise, that contaminated soil could be excavated and trucked offsite for any use and/or rainfall could transport radionuclides into people's drinking wells.

If NRC won't enforce *EXISTING* requirements, creating yet another requirement for the agency to ignore is a stupid, pointless, stall tactic.

Should a policy statement be developed based on NRC's existing regulations and guidance to address yadda yadda yadda?

NO.

This ain't rocket science.

EXISTING requirements are sufficient to adequately protect the public and environment from leaks and spills.

Listen to Nike and just do it. Enforce the requirements that have been on the books for decades.

A policy statement is not necessary for NRC to enforce EXISTING requirements.

Should NRC's regulatory framework be informed by experience of guidance developed or applied by the IAEA, the international community or by other U.S. agencies, e.g., DOE directives and activities?

Absolutely no need.

NRC's *EXISTING* regulatory framework is more than adequate to protect the public and the environment, IF the agency will simply do what it says in writing it will do (but refrains from doing).

NRC needs better leadership, not better frameworks.





NRC's Dr. Jekyll and Mr. Hyde Act

NRC's actions prevented Entergy from restarting River Bend in September 2008 after Hurricane Gustav's winds blew siding off the turbine building's walls. The open-air building created the potential for unmonitored, uncontrolled releases of radioactivity, a condition prohibited by NRC's regulatory requirements.

NRC's inactions allowed Entergy to continue operating Vermont Yankee in January 2010 following the discovery of actual ongoing unmonitored, uncontrolled releases of radioactively contaminated liquid of unknown amounts from unknown sources.

NRC needs to figure out – and fix – why it reacts inconsistently to the same facts.