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Sinnissippi Alliance for the Environment

326 North Avon Street Rockford, Illinois 61103

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June 7, 1984

Commissioners
u. s. nuclear regulatory commission
Washington D.C. 20555

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Dear Commissioners:

We are waiting patiently for our day in court. Our financial qualifications contention was filed almost five years ago with the Atomic Safety and Licensing Board (Docket No. 50-454, 455 OL, Byron Units 1 & 2).

Since that time applicant Commonwealth Edison has worsened financially.They are not financially qualified to complete construction of both Byron units in a manner which will result in a safe plant, nor are they capable of safely operating Byron Unit 1 (which they hope to load by September 15th!), nor will they be able to decommission Byron safely if their present trend continues.

They are banking on the Illinois Commerce Commission's tolerance of continuous rate requests (five within the last six years). This year they goofed: based upon their estimation of an early fuel load for Byron, which was wrong, the ICC cut their billion dollar request in half. Needless to say, Com Ed is sorely pressed to get a license by September and, we feel, may be passing that "impression" on to the Board.

There is a terribly large amount of work to be done at Byron. The present hearings on QA/QC should bear that out. Their evacuation plan, though improving, will be a tremendous financial burden. LaSalle Unit 1 has not been performing as profitably as expected for the consumer.

We, above all other intervenors, have a right to present our case that Commonwealth Edison is not financially qualified to complete construction of both Byron units in a manner which will result in a safe plant, nor to operate Byron safely, nor to decommission Byron safely. The operating license for Byron should be denied.

Sincerely:

Stanley E. Campbell

Stanley E. Campbell
secretary, SAFE

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PROPOSED FINANCIAL QUALIFICATIONS CONTENTION

I. Commonwealth Edison is not financially qualified to complete construction of both Byron units in a manner which will result in a safe plant, nor to operate Byron safely, nor to decommission Byron safely. Specifically, Intervenors contend that:

a. Commonwealth Edison ("CE") does not possess or have reasonable assurance of obtaining the funds necessary to complete construction of both units at Byron, to cover related fuel cycle costs, to cover operation costs for the period of the license, as well as to cover the costs of permanently shutting down the facility and maintaining it in a safe condition.

b. There is no reasonable assurance that the Illinois Commerce Commission will raise CE's rates high enough to enable CE to complete construction of both units at Byron in such a manner as to result in a safe plant and to safely operate Byron.

c. CE's cost projections for completion of construction, operation and decommissioning of Byron are understated and more reasonable projections are so high that CE does not possess or have reasonable assurance of obtaining the necessary funds.

d. There is no reasonable assurance that CE will possess adequate funds to safely decommission Byron either at the end of its useful life or in the event that premature decommissioning is necessary. While Edison collects funds for decommissioning of its operating nuclear plants, such a system fails to provide reasonable assurance because:

(i) Edison does not segregate the money in any manner, but spends it for general corporate purposes.

(ii) Edison's decommissioning estimates are outdated and too low.

(iii) Edison has no insurance that will cover decommissioning costs in the event of premature decommissioning.

e. As a result of CE's lack of financial qualifications, operation of Byron will jeopardize the public health and safety.

II. The Safety Evaluation Report (SER) issued by the NRC staff in February, 1982, analyzes in part the financial qualifications of CE. The SER must be supplemented in at least two respects:

a. the estimated costs of the Byron plant are understated and should be revised in light of actual expenditures and revised new estimates of both CE and of Intervenors.

b. the conclusion that CE is financially qualified safely to operate and decommission Byron is erroneous and must be changed. The SER must be supplemented to reflect that the Company is not financially qualified and that there is no reasonable assurance that it will be able to obtain sufficient funds to complete construction of both units at Bryon in such a manner as to result in a safe plant, and to cover the costs, and safe operation, and related fuel cycle costs and to decommission Byron.

Therefore, the operating license for Byron should be denied.