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PROPOSED RULE (50 FR 5600) 70,72

CONCERNED CITIZENS
FOR SNEC SAFETY
c/o James H. Elder DOCKETED
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Saxton, Pa 16673
May 6, 1985

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Secretary of the Commission
US Nuclear Regulatory Commission
Washington, DC 20555

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Attention: Docketing and Services Branch

Re: Decommissioning Criteria for Nuclear Facilities
50 Fed. Reg. 5600, February 11, 1985

Concerned Citizens for SNEC Safety is an organization which has been involved in representing local residents as regards the Saxton Nuclear Experimental Corporation's reactor during its dismantlement phase. Therefore we have a very personal stake in the NRC's regulations in this area. We have researched the problems involved in dismantlement carefully so that we can help local residents protect themselves from possible harm.

After studying the proposed rule for decommissioning we have concluded that it contains several serious flaws. It is surprising that a rule which has been worked on since 1977 is so lacking in specifics on the topic it addresses. The rule must be drastically modified to become an adequate framework for the decommissioning process. We will address this problem using the real experience of what has occurred at Saxton, where the plant was partially decommissioned in 1973 and then put into storage for eventual dismantlement.

The decision to change the present requirement for a full Environmental Impact Statement when a final decommissioning plan is developed and to substitute a review is not acceptable. The change in knowledge and techniques during the life of a reactor is considerable and there are certain to be vast differences between the original planning and the actual site-specific situation after 30 or 40 years. This is clearly the case at Saxton only 12 years after its initial decommissioning plan was developed.

In addition, the preparation of a full Environmental Impact Statement is the only guarantee that the site-specific knowledge of local government officials and citizens will be made a part of the plan which is carried out. It is important that the views of those most affected by decommissioning decisions, the local residents and workers, be made a part of the final plans.

The prime consideration in decommissioning decisions must be public health and safety since that is the legal mandate of the NRC. The proposed rule appears to give only lip service to this requirement. It is mentioned, but nowhere are methods or performance goals for achieving safe decommissioning written into the rule. Instead, this topic is left for later action by the

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NRC, when it should be the real substance of this rule.

One of the most important decisions in decommissioning is whether to use DECON (immediate dismantlement), SAFSTOR (temporary storage with later dismantlement) or ENTOMB (permanent on-site storage). Yet there is no criteria given in the rule for how to make the choice among these options. Even the information supplied with the rule makes a clear case for how to evaluate these options, but the rule itself gives no guidance.

ENTOMB is not a realistic alternative and the rule should state that. There will obviously be special reasons at particular sites to choose the DECON option because of reasons such as poor original siting of a reactor, but in general the evidence suggests that partial decommissioning followed by a 50-year storage period (SAFSTOR) will be the best option in terms of the public health and safety. Radiation exposure to workers and the surrounding area will be lower and, equally as important, there will be a significant reduction in the radioactive wastes produced.

While SAFSTOR might slightly increase the total cost of decommissioning, the public benefits justify that cost. The rule should require that the choice of method be based on a detailed assessment of the effects on public health and safety so that a rational decision can be made. There should be clear criteria available for NRC review of that decision. Again the need for preparation of a full Environmental Impact Statement as part of a final site-specific plan is shown to be justified.

Another extremely important part of the decommissioning process is not addressed by the rule at all. Proper requirements for quality assurance and quality control during decommissioning are essential, including adequate monitoring by the NRC itself. This need is very apparent at Saxton. The original work in 1973 was supposed to have cleaned up several auxiliary buildings for unrestricted use. The AEC did not inspect for 13 months while work progressed. When an inspection finally occurred it was discovered that the buildings remained contaminated. Since the owner (General Public Utilities) had already dispersed its workers, those buildings remain contaminated today. Strict requirements for quality assurance must be a part of the rule.

We cannot understand why the rule specifically excludes from its requirements reactors which have already been permanently shut down. Saxton falls into this category and we think we should receive as much protection as anyone else who lives near a reactor.

The experience at Saxton also casts severe doubt on the adequacy of the proposed rule for estimating the costs of decommissioning. In 1973 GPU estimated that the total decommissioning cost, excluding continued maintenance for SAFSTOR of the plant, would be \$575,000. Even after the initial decontamination work had been done, in 1983 GPU's minimum estimate of the cost for the remaining work was \$12,454,000 or more than 21 times the original total estimate. Obviously not all of this increase was due to inflation. Saxton is only a 35 thermal

megawatt reactor and GPU's cost estimates assume the reactor vessel can be removed in one piece. To think that \$100,000,000 is a maximum figure for decommissioning plants 300 to 400 times the size of Saxton is unrealistic.

The proposed rule should be changed to require a decommissioning fund equal to the best estimate possible for the cost of decommissioning a particular site, and that estimate should be revised every five years so that an appropriate fund can be built up. Otherwise when the time comes to actually decommission a plant only a fraction of the funds required may be available.

The experience of GPU in approaching bankruptcy, with its main assets being inoperable nuclear plants, indicates why the set-aside funding for future decommissioning must be in external sinking funds which are legally separate from a utility's other assets. GPU has not been able to get a blank check from Pennsylvania ratepayers even in its emergency situation and therefore its cleanup at TMI-2 has been delayed. If the funds it had set aside for future decommissioning were part of its normal assets there would be no money available today for work at Saxton. We appreciate the fact that the Pennsylvania Public Utility Commission requires external reserves for decommissioning funds and the NRC should require the same method, along with insurance to provide funding in case of the early retirement of a plant such as happened at TMI-2.

The definition given for the term "decommissioning" is not complete in the proposed rule. Since the objective of decommissioning is to return a site to the same possibilities of use that the site possessed before a reactor was built on it, the definition should include language stating that the limit for residual radioactivity remaining should be the amount of natural background radiation at the site before construction of the plant. This is the only definition which can be acceptable by local residents whose children will be using the site in the future.

To summarize, the proposed rule is not complete since it does not provide specific criteria for making decisions about decommissioning and it leaves out several important topics. The rule should be redrafted and again submitted for public comment before it is accepted by the NRC.

Sincerely,

James H. Elder
Chairman