

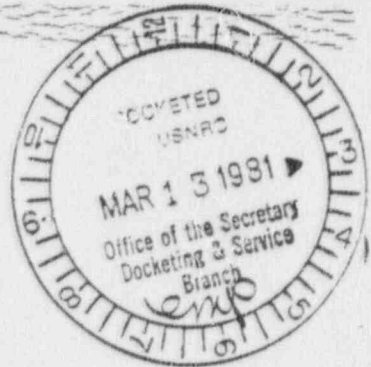
DOCKET NUMBER

PROPOSED RULE PR-3040, 50, 70, 72

(46 FR 11666)

Marvin I. Lewis  
6504 Bradford Terrace  
Phila. PA 19149  
3-6-81.

Decommissioning Program Manager  
Division of Engineering Standards  
Office of Standards Development  
Washington, D.C. 20555



Dear Sir;

Please accept the following letter as my comments on the Draft Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, Nureg 0586 January 1981.

My first Comment is that I had to call up the NRC because the due date for the end of comments on this NUREG was not readily found in the NUREG. I had to waste time on a telephone call to the NRC just to find out that the end of the comment period was March 23, 1981. It should have clearly stated on page 11 what the expiration date for comments is.

2. This is a very extensive issue that this NUREG covers. It depends heavily upon an entire boxful of other NUREGS. The NUREGS that this NUREG 0586 depends upon are a series of NUREGS entitled "Technology, Safety and Costs of Decommissioning a Reference \*\*\*\*\*". The \*\*\*\*\* refer to various nuclear fuel facilities. This series, "T, S, and C of Decommissioning a Reference \*\*\*\*\*", is very flawed. Further, this series is not complete and the NUREG "T, S, and C of Decommissioning a reference 11w Burial Ground" has only been delivered in this last week. "T, S, and C of Decommissioning a Reference Multireactor Power Station" still has not been issued.

Therefore Comments are being solicited on a NUREG 0568 which rests upon a series of NUREGS which are not completed nor issued. Further, that part of the series which has been issued is flawed in underestimating volume, Curie, and danger of the wastes. (Peter Skinner NY Law Dept at a Radwaste Planning Session for State Officials put on by the NRC in Philadelphia) (Also see Resnikof in 'Net Man Apart' newsletter, a series on transportation of radwaste.)

3. This NUREG is internally flawed as well as resting upon flawed references. In other words, statements in this NUREG, which do not depend upon a reference, are also incorrect. For instance on Page 0-8, "In any given year the quantity of this waste generated by decommissioning will be considerably less than that generated by operating nuclear facilities." Well, that statement may have been true in the past. The reason that the waste from decommissioning in the past was less than generated by operating nuclear facilities was dependent upon several factors:

- A. Nuclear power is a 'new' technology and most plants had not reached their retirement age.
- B. Nuclear facilities which were due to retirement for various reasons had their retirements deferred. (West Valley, Barnwell, Hanford, Alliquippa.)

8104140 275

L-41, P430

- 2
3. C. There has only been one Class 9 accident to date. That was at TMI#2. It happened on March 29, 1979 and is continuing to this date and probably beyond. Drs Rasmussen, W.H. Jordan and the Advisory Committee on Reactor Safeguards have all gone on record that we may expect a TMI#2 type accident every 4 to 5 years. (Dr Rasmussen on Phila radio in May following the TMI#2 accident. Dr Walter H. Jordan in his recent book with S. Glasstone on Nuclear Safety. ACRS in a statement by a member quoting a German Study.)

In light of the above information the statement, "In any given year the quantity of this waste generated by decommissioning is considerably less than that generated by operating nuclear facilities." is indefensible speculation.

4. Page O-8 "Assurance of this availability of (decommissioning) funds is necessary to ensure that a health and safety problem ~~is~~ does not result because of undue delay in performing the required decommissioning." That statement is one that I can agree with. However, that has not been the regulatory stance of the NRC. The regulatory stance of the NRC has been to deal without sufficient specificity on financial matters.

"Present regulatory guidance is not specific enough on required particulars needed to deal properly with financial assurance consideration." Page O-8 Paragraph O.2.6.1. Nothing in this NUREG requires a change of regulatory stance to one of proper assurance of funds for decommissioning to protect the health and safety of the public. Without a change of regulatory stance which would require proper assurance of timely availability of decommissioning funds, this NUREG is worthless. Regulatory requirements for timely availability of decommissioning funds must be set in stone. Decommissioning funds must not be a matter of conjecture. ~~These~~ These funds must be wholly available at any time in a reactor's lifetime. The accident at TMI#2 demonstrated that a reactor can need its decommissioning funds long before the scheduled date of retirement.

Availability of decommissioning funds is one of the most important points in decommissioning. This funding is grossly and inadequately handled in this NUREG for the reasons stated above.

5. Residual Radioactivity Levels for Release of a Facility to Unrestricted use.

Well, this is really up in the air. EPA was supposed to do this but hasn't yet. NRC has presented its views. Where, when, and who is going to make the decision. Meanwhile, this nureg was sent out to get comments when the most essential item in it is still in limbo. How can I comment on something that is not even there yet?

Take this Draft back until such time as hearings and public comment has been incorporated by EPA into a

dose level for release of a facility for unrestricted use. Until this dose level has been ascertained, commenting upon this NUREG is futile.

6. There are too many assumptions in this report that do not bear on past performance nor common sense. For instance,  
 \*It is assumed that good housekeeping...\* Page 2-13.  
 Even after the accident at TMI#2 and an inspection by a special team at the TMI#2 site housekeeping remained a problem until the NRC enlisted the cooperation of the top MetEd officer on the site for that specific problem.

Recently, the Phila Daily News carried a story about radioactive mouse feces being found on the TMI site. The assumption concerning housekeeping bears no relationship to reality. Many assumptions, implicit and explicit, do not bear any relationship to reality in this NUREG.

Poor assumptions flaw this NUREG beyond redemption. Throw it out and hope that you can do a better job the second time around.

7. DISCLAIMER: I have not had the time or the inclination to critique all the many flaws, errors, and just plain dumbness in this NUREG. Please do not construe my silence on any point as an endorsement of this report, NUREG 0586.

Respectfully submitted,

Marvin I. Lewis  
 6504 Bradford Terrace  
 Phila . PA 19149  
 (215) CU 9 5964.

