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October 16, 1979

Mr. G. D. Calkins
Decommissioning Program Manager
Office of Standards Development
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Calkins:

At the State Workshop on Decommissioning held in Columbia, South Carolina on September 11-14, you agreed to hold the record open to receive formal comments from the Special Advisory Committee on Nuclear Waste Disposal of the Kentucky General Assembly. The Committee is composed of legislators, state agency personnel, university experts and citizens. A list of committee members is enclosed.

The committee met on October 15, 1979 and approved the enclosed comments and directed that they be forwarded to you.

The committee is also of the mind that the Maxey Flats Nuclear Waste Disposal Site could provide a timely opportunity to demonstrate how an unsatisfactory situation for a low level site can be stabilized and decommissioned for long term care. A successful decommissioning of the Maxey Flats site would help restore some public credibility in nuclear technology and could also provide some realistic data to the Nuclear Regulatory Commission related to decommissioning.

The direction taken by the Commonwealth has been toward decommissioning of the Maxey Flats site; it very well may be the first nuclear facility of this type to be fully decommissioned. These sites serve a national need, 99.9% of the wastes at Maxey Flats came from outside the state. Unforeseen problems and mistakes were made at Maxey Flats because it was one of the first such commercial sites to be opened. It would seem to provide a prime opportunity for use as an

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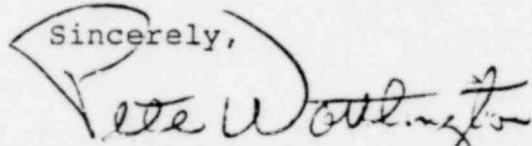
Mr. G. D. Calkins
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"outdoor laboratory" to "test" theories about low level site decommissioning. It would be a prime demonstration project of federal-state partnership in solving nuclear waste disposal problems.

We would be very interested in hearing from you on the possibility of NRC financial assistance toward this end.

We appreciate the consideration you have given our committee and your willingness to accept our comments in the formal record.

Sincerely,

A handwritten signature in cursive script that reads "Pete Worthington". The signature is written in dark ink and is positioned above the typed name.

Representative Pete Worthington
Co-Chairman, Special Advisory
Committee on Nuclear Waste Disposal

cc: Sheldon A. Schwartz
Office of State Programs
Nuclear Regulatory Commission

Enclosures

PW:PH/bks

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NUCLEAR WASTE DISPOSAL
(HR 70 - 1978 GENERAL ASSEMBLY)

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Comments by the Special Advisory Committee on
Nuclear Waste Disposal of the Kentucky General Assembly
on Draft NUREG/CR-0570
Summary of Technology, Safety and Costs of
Decommissioning a Reference Low Level Waste Burial Ground

Section 1.0 Decommissioning Alternatives

In light of events at the Maxey Flats low-level nuclear waste disposal site, we would have to question the extent to which this document reflects the cost and the complexity of stabilization and decommissioning of "real and contemporary facilities" (p.2). It is our belief that generally the study underestimates the difficulty and costs associated with finding the technology appropriate for stabilizing a specific site.

Section 3.0 Status of Regulatory Guidance for Decommissioning

This section refers to the fact that "When burial operations at a commercial site are completed and the license is terminated, the state government assumes responsibility for long-term care of the site" (p.4). We believe it should be pointed out that the responsibility for long-term care is still an open issue and there is room for further discussion as to state and federal responsibilities in this area given the fact that these sites provide a national service and not a primarily local or state one. It might also be pointed out that "responsibility" functions include many facets such as monitoring of a site and financing of a site should the perpetual care and maintenance fund prove inadequate, and can be approached with a variety of state-federal relationships.

Section. 4.0 Approaches to Financing Decommissioning

It should be pointed out that none of these alternatives provide for major unforeseen corrective actions which may have to be taken to put the site in a stable condition. Nor do they address the question of who pays for costs which might not be covered if the fund/bond, etc. turns out to be inadequate. There is also the need to include an inflation factor in determining the size of bonds, funds, etc. described in this section. In addition, no provision is made for facilities which currently are closed and have no means of financing decommissioning except through state general funds. To ignore such facilities does not leave the states with a feeling of being "partners" with the federal government in working to solve the dilemma of nuclear facility siting. States are given the impression that they may be left "holding the bag". We do not believe, since such facilities serve a national purpose,

that this is an acceptable or desirable arrangement or in the best public interest.

Section 6.0 Determination of Disposition Criteria for
Public Use of a Decommissioned Burial Ground

Limiting the long-term care and maintenance fund to covering only 200 years after post closure, appears to be in conflict with the statement on p. 14 that "radionuclides that contribute to a dose in excess of 50 mrem have long radioactive half-lives" causing the potential maximum annual dose to remain above 50 mrem "for thousands of years". It is unreasonable to assume that monitoring to provide assurance of site stability should not continue while these long-lived radioisotopes are still plentiful. This "assumption" needs to be reconsidered and the economic impact revised accordingly. -

Section 7.0 Environmental Surveillance and Records
Maintenance

The frequency of sampling suggested in Table 7-1 may not be adequate. Water sampling at the Maxey Flats site are collected and analyzed every two weeks even though the site is in a "closed" mode.

Section 8.1 Site/Waste Stabilization

There is some doubt that the complex plan for the humid eastern site set forth in Table 8-1 will put a site in the condition such that "the need for active ongoing maintenance is eliminated and only passive surveillance and monitoring are required..." (p.5). We would consider sump pumps and treatment to be "active" maintenance, even though required only periodically.

Section 9.0 Decommissioning Costs

It is our experience that these cost projections are not adequate because of the following:

- a) they do not include the costs involved in determining what technology is suitable and necessary for a specific site;
- b) they deal only with a long term care period of 200 years;
- c) they do not consider costs associated with extensive corrective action that might be required; and
- d) they do not seem to provide a factor for inflation in the funding mechanisms.

Section 10.0 Occupational and Public Safety

The assumption made on p. 34 that "no airborne releases result from routine site/waste stabilization operations" would very likely not apply to the complex plan for the Eastern site should contaminated water from the sump pumps be disposed of by evaporation. Currently both Sheffield and the Maxey Flats nuclear waste disposal sites use evaporation as a disposal means for contaminated water.

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Additional Comments on
"Questions for 1979 State Workshop Participants"

Although we will not respond to each question since several are addressed in our previous comments, we would like to make several additional statements.

2. Is the major goal of early rulemaking viable?

We question whether this is "early" rulemaking. The operating nuclear facilities online at the present time have no provisions for decommissioning, but will have to be decommissioned. Such provisions should be part of the application process. Rulemaking related to decommissioning is already long overdue.

7. Are the suggested financial assurance approaches satisfactory? How would you modify? Please explain fully.

The financial assurance approaches are not satisfactory because all of the costs have not been considered. Please refer to the committee comments in Section 9.0 "Decommissioning Costs".

10. Are the regulatory changes suggested adequate to assure safe decommissioning of nuclear facilities? Are there areas that would not be covered? Explain fully.

Safe decommissioning of closed facilities in need of extensive corrective action or with inadequate perpetual care and maintenance funds are not covered.

12. Should States provide certification of an applicant's financial plan as part of the NRC licensing process? Should the revised regulations for decommissioning apply to all operating facilities after a time certain? Please explain fully.

As long as states accept the responsibility for decommissioned sites, they should be involved in approving the acceptability of the operator's financial plan. Decommissioning regulations should definitely apply to all facilities as soon as possible or how else will their decommissioning be financed?

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Additional Comments (Continued)

12. (Continued)

There is also a problem with the financing of decommissioning for closed facilities as we indicated in our comments on Section 4.0 of draft NUREG/CR-0570. It should be pointed out that none of the alternatives in the draft provide for major unforeseen corrective actions which may have to be taken to put the site in a stable condition. Nor do they address the question of who pays for costs which might not be covered if the fund/bond, etc. turns out to be inadequate. There is also the need to include an inflation factor in determining the size of bonds, funds, etc. described in this section. In addition, no provision is made for facilities which currently are closed and have no means of financing decommissioning except through state general funds. To ignore such facilities does not leave the states with a feeling of being "partners" with the federal government in working to solve the dilemma of nuclear facility siting. States are given the impression that they may be left "holding the bag". We do not believe, since such facilities serve a national purpose, that this is an acceptable or desirable arrangement or in the best public interest.

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FROM: G. D. CALKINS
OSO

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Subject: DECOMMISSIONING OF
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