

LAW OFFICES OF
EDWIN R. MCCULLOUGH
1 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60602
PHONE 312-782-9831

July 18, 1980

Director
Division of Licensing
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Docket No. 50-10
Nureg - 0686
Chemical Decontamination at
Dresden Unit No. 1

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Dear Sir:

This letter is in response to your call for comments on the draft environmental statement for the above-captioned project. I would like to discuss some of the procedural issues and substantive issues raised by the report.

First, it is stated that the statement was prepared in response to extensive expressions of public interest in the project. This interest was manifested by petitions requesting public hearings and an environmental impact statement (Kay Drey, 19 March 1979; and Marilyn Shineflug, 20 September 1979), considerable correspondence from citizens, and letters supporting an environmental impact statement from members of the Illinois Congressional delegation, notably Representatives Sydney R. Yates and Tom Corcoran. On June 26, 1980, Harold R. Denton, Director, Office of Nuclear Reactor Regulation, formally decided to grant the petition of Kay Drey, stating that the staff had already issued a Draft Environmental Statement.

Actually, on or about May 16, 1980 the NRC had issued the statement, and requested comments by July 21, 1980. This deadline should be extended for two reasons:

1. Mr. Denton in his letter of June 26, 1980 to Kay Drey indicated that the NRC staff will hold a public meeting in the Dresden area. Clearly, the Commission should have the benefit of the oral feedback at the meeting, and later written comments generated by the meeting.
2. My reading of the statement reveals that it is a rehash of previous memoranda and correspondence of the Commission lacking the original thinking required by the spirit of the National Environment Policy Act of 1969.

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Attached is a copy of my letter of April 9, 1980 to Mr. William J. Dircks, criticizing the then-existing environmental appraisal and response from Mr. Harold R. Denton, in a letter dated June 23, 1980: I submit that the questions raised by my letter have been neither adequately addressed nor answered in the statement. In fact, a memorandum from Harold R. Denton, dated May 29, 1980 to Chairman John Ahearne indicates that the Office of Nuclear Reactor Regulation because the NRC decision on the Surry steam generator replacement action, decided to "convert" the environmental appraisal into an environmental impact statement. (p.1)

The Denton memo later adds "Because of ACRS and staff concerns related to the potential for causing pipe cracks and some previous decontamination project misfortunes, we informed CECO that we wished to be kept closely informed about the progress of the decontamination program." (p.3) My letter of April 9, 1980 asked about previous decontamination projects, pointing out the Dresden I project is the first of scores of future projects. These questions are still unanswered. Surely, information about "previous decontamination project misfortunes" is relevant, yet there is only scant mention of previous decontamination projects. (§2.4) As to potential pipe cracking, the statement indicates that 40 to 50 welds considered to be inaccessible because of the existing high radiation levels. However, it does not state the present condition of these welds and what the impact of the NS-1 solvent will be on these welds. Obviously, this deficiency must be corrected in a final statement.

One other procedural issue needs to be discussed. The statement and previous NRC communications refer to tests that have been made on the project. As I stated in my April 9, 1980 letter, the NRC has not conducted any independent tests of the process. All of said tests were conducted by Dow (owner of the proprietary solvent NS-1), Commonwealth Edison (licensee), or General Electric (manufacturer of BWR). The public has little reason for confidence when all of the parties conducting tests have a vested interest in favorable results. Clearly, with decontamination looming large in the future, we are entitled to independent testing and analysis before the first decontamination proceeds.

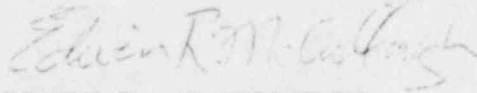
In closing, I would like to briefly touch on two other substantive issues:

1. Accidents. §4.3 discusses leakage within the waste treatment facility, stating that all leakage will be contained within the "bathtub" portion of the facility. What happens after that? How are workers protected? What is then done with the leaked liquids? These and other questions are particularly relevant in light of continuing safety violations at Dresden I. (See attached Notice of Violation) A thoughtful accident plan should consider all possible contingencies and steps that will be taken to protect the environment.

2. Insufficient information on leaching of chelated radio-nuclides from the solid waste. The statement admits that the NRC does not know the leach rate of Dow polymer under burial conditions (Appendix A, p.5) I raised the question of the wastes entering into the environment and the food chain in my letter of April 9, 1980. It seems to me that the assurance of safe disposal of the waste is a basic issue that must be resolved before decontamination proceeds. I do not see a meaningful discussion of any alternative modes of disposal or a satisfactory justification for the proposed method. Americans have suffered through enough unplanned environmental disasters, such as DDT and the current discoveries of illegal hazardous waste dumps. Surely, we are entitled to thoughtful planning here.

In conclusion, I would urge an extension of the deadline for comments to allow meaningful public participation. This would help allay deep doubts about the process, and, hopefully, would give the Commission an opportunity to resolve the substantive issues raised by myself and others.

Respectfully submitted,



EDWIN R. McCULLOUGH

ERM/sw
w/enclosures

LAW OFFICES OF
EDWIN R. MCCULLOUGH
1 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60602
PHONE 312-782-9831

April 9, 1980

Mr. William J. Dircks
Acting Executive director
for Operations
United States Nuclear Regulatory
Commission
Washington, D. C. 20555

Re: Dresden I
Docket 50-10

Dear Mr. Dircks:

This letter is in response to your letter of March 28, 1980 to Representative Sidney R. Yates, in which you commented on statements of the Illinois Safe Energy Alliance (ISEA) about the proposed chemical decontamination of the Dresden I reactor.

ISEA stated that the experimental procedure at Dresden I is the first of its kind in the world. You cited other decontamination projects in the world that are different in either quantity and quality. Only the last two - Dresden Unit 1 test loop and Peach Bottom regenerative heat exchanger - use the DOW NS-1 solvent that is proposed for Dresden I. No project of this magnitude has ever been undertaken before. In fact, Commonwealth Edison has organized this a demonstration project, and received Federal funding from the Department of Energy.

In my opinion, a more appropriate response would be for the NRC to detail the quantities and qualities of previous decontaminations undertaken and demonstrate with facts and figures in what ways they are similar to the Dresden I demonstration project and the scores of larger decontamination projects planned for the future.

The second concern raised is that NRC has not conducted adequate studies of the environmental consequences of this prototype decontamination project. The NRC response is conclusionary, and clearly no substitute for an environmental impact statement which would require rigorous analysis of all phases of the project, consideration of alternatives, and conclusions supported by proven facts and reasoning. I do not find it reassuring for the NRC to state the radioactive and chemical nature of the waste is similar to other wastes, when there are open questions about the durability of the solidified waste. Time has shown the problems of disposal of wastes, particularly at the Oak Ridge burial sites.

As to the concern that NRC has not conducted any independent tests of the clean-up process, including waste transportation and disposal, it is still unknown what tests have been conducted on the long-term stability of the solidified wastes. Does the NRC know the probability that the wastes could escape from the containers and possibly enter into the environment and food chain? I would like to know how any confirmatory research is independent. It is generally accepted that scientific methodology proceeds with no preconceived results. Please explain what Brookhaven National Laboratory is doing.

I do not understand the reasoning of the NRC as to why an environmental impact statement (EIS) is not required, or if now if a new determination is being made. Under pre-July 30, 1979 regulations, is an EIS not required? If so, why not? Are you now following the procedures under the regulations promulgated by CEQ effective July 30, 1979.

Your attention to this matter will be greatly appreciated.

Very truly yours,

EDWIN R. McCULLOUGH

ERM/sw

cc: Hon. Sidney R. Yates



Docket No. 50-10

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUN 23 1980

REC'D

JUN 26 1980

Edwin R. McCullough
Chicago, Illinois

Mr. Edwin R. McCullough, Esq.
1 North La Salle Street
Chicago, Illinois 60602

Dear Mr. McCullough:

This is in response to your letter dated April 9, 1980 in which you restated your previous position relative to the need for preparation of an environmental impact statement for the chemical decontamination of Dresden Nuclear Power Station Unit No. 1.

The NRC staff has concluded its environmental review of this matter and has concluded that the proposed action will not significantly affect the quality of the human environment. I have reviewed the staff's conclusion and have decided that an environmental impact statement should be prepared for this action. A copy of this statement is enclosed for your information.

Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Draft Environmental
Statement (NUREG-0686)

DUPE 8006300685 ATTACHMENT 2

Appendix A

NOTICE OF VIOLATION

Commonwealth Edison Company

Docket No. 50-010

Based on the inspection conducted on April 7 - May 2, 1980, it appears that certain of your activities were in noncompliance with NRC requirements, as noted below. These items are infractions.

1. Unit 1 Technical Specifications, Section 6.2.B requires that radiation control procedures be maintained, made available to all station personnel, and adhered to. Radiation Control Standards Procedure 37-1-E-3, "Work in Controlled Areas (Radiation Areas and High Radiation Areas)," requires that personnel not eat, drink, smoke, or chew in those controlled areas.

Contrary to the above, on April 17, 1980, while making a routine tour of the Unit 1 turbine building (a posted radiation area), the NRC inspector observed evidence of eating, drinking, and smoking (i.e., the presence of numerous cigarette butts, empty soft drink cans, empty candy wrappers, and a half eaten hamburger) in this radiation area.

This is a repetitive item of noncompliance since the same problem was identified twice previously in NRC Inspection Reports No. 50-010/79-19, dated October 18, 1979, and No. 50-010/79-25, dated January 28, 1980.

2. 10 CFR 50, Appendix B, Criterion II requires activities affecting quality be accomplished under suitably controlled conditions, including adequate cleanliness. The licensee's Quality Assurance Program, Section 2.2 requires that the licensee adhere to all mandatory requirements of ANSI N18.7. ANSI N18.7-1976, Section 5.2.10 requires quality housekeeping practices encompassing all activities related to control of fire prevention and protection, including disposal of combustible material and debris.

Contrary to the above, on April 17, 1980, during a routine tour of the Unit 1 sphere, the NRC inspector observed numerous oily rags/papers, a tipped over lube oil can, and scattered debris above the elevator shaft which were not being controlled and which represented a fire hazard.

3. Unit 1 Technical Specifications, Section 6.2.B requires that radiation control procedures be maintained, made available to all station personnel, and adhered to. Radiation Control Standards Procedure

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37-1-A-1 requires that contaminated clothing should be removed from controlled contaminated areas when not in use and, further, requires that clothing hampers marked "Deposit Contaminated Rubber Goods Here" and "Deposit Contaminated Canvas Goods Here" be placed at the exits from all areas where protective clothing is required.

Contrary to the above, on April 17, 1980, during a routine tour of the Unit 1 turbine building, the NRC inspector observed contaminated clothing lying inside a controlled contaminated area (Unit 1 condensate demineralizer control area) and that no clothing hampers were located at the exit of this area. This condition was determined to have existed for a period of two weeks.