



## San Diego Gas & Electric

March 19, 1981

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

DOCKET NUMBER

PROPOSED RULE 18-30, 40, 50, 70, 72  
(46 FR 11666)



Attention: Docketing & Service Branch

Re: Decommissioning Criteria for Nuclear Facilities: NUREG-0586

Gentlemen:

The San Diego Gas & Electric Company, co-owner of the San Onofre Nuclear Generating Station, has a continuing interest in the regulatory framework (both federal and state) being developed for the decommissioning of nuclear power facilities. Accordingly, SDG&E is pleased to offer the following comments on the NRC's Draft Generic Environmental Impact Statement, specifically relative to the four areas of regulatory objective and the preliminary conclusions.

1. Timeliness:

It is asserted that "completing decommissioning and releasing the facility for unrestricted use eliminates the potential problems of increased numbers of sites used for the confinement of radioactively contaminated materials, as well as potential health, safety, regulatory and economic problems associated with maintaining the site." Such a sweeping assertion must be supported by extensive documented evidence of such "problems" before acceptance is warranted. The number of sites is small when viewed from the perspective of the total number of sites dedicated to industrial use.

Nuclear sites are, by regulation, isolated and desirable for continued energy production utilization (after all, transmission line facilities, among others, are of permanent value). It can be argued with merit that such sites should never be released for unrestricted use by the public. Since decontamination can readily be accomplished after cessation of power production and since continued occupation of the site by the owner precludes public access, it may never be timely to fully decommission a nuclear facility. Thus, there are very significant differences between the reality of site use conversion and the perceived need for total restoration to free public access

The public should not be deluded into expecting the eventual return of all technological facilities and sites to parkland scenes. We should realistically consider the myriad of possible uses for our sites, not creating regulations that preclude a case-by-case determination of the use that is most beneficial to the public.

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2. Financial Assurance:

It is disquieting to read in the proposed EIS such wording as "while other funding mechanisms,.....may be more costly on a net present worth basis, their economic impact is still small in terms of the total cost to the consumer or licensee." It is this cavalier disregard for the economic consequences of promulgating regulations that has contributed strongly to any doubts there may be as to a utility's financial ability to decommission reactors as required. The conclusion drawn by the EIS on financial assurance does not appear to be supported by factual material.

To the extent that the cost of financing nuclear decommissioning is in the regulatory arena, the participants should be those regulatory bodies who have the responsibility for approving revenue requirement levels and rates to develop those revenue requirements.

3. Planning:

As has been described in the section on "Timelines" above, the legitimate options for continued site utilization after cessation of nuclear facility operations are virtually boundless. The best such use, based on a cost/benefit evaluation on a site-by-site basis, cannot be predicted with accuracy! In fact, it is a virtual certainty that today's plan (or that prepared prior to acquiring an operating license) will not be the best one. A realistic approach is urged.

A plan should be made for site conversion prior to facility operation. Such a plan will permit the ratemaking regulatory bodies to make appropriate provision for the recovery of the estimated costs over the life of the facility. However, such plan must not be a mandatory prerequisite for licensing as this would be another target for intervenors with no other purpose than to delay projects.

Then, some time prior to the termination of the operating license, a firm plan should be prepared and realistically presented for approval. No viable option for further site use should be precluded! With the concurrence of local and federal authorities, detailed financial plans could be prepared and implemented. We urge that the current emphasis on immediate commitment for release of the facility/site for unrestricted public access be discarded and replaced with recognition of all of the potentially higher public value uses to which such facility/site could be applied!



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4. Residual Radioactivity Levels:

Clearly the allowable residual levels of radioactivity depend upon site use and public exposure likely to accompany such use. The draft EIS is preoccupied with "unrestricted public access," which is the least likely of the real options for site re-use. Even in this case, excessively restrictive requirements are not justifiable.

It is clear that the allowable residual activity should be established based upon the natural background levels at the specific site. For example, if the public routinely utilizes a local park in which rock outcroppings are present and if such rocks contribute to the background dose, it would be reasonable, if a site were converted to a park, to fix residual levels to that of the existing park! Similarly, if a site were converted to heavy industrial use, acceptable background levels should include recognition of the exposure that would occur as a consequence of the materials of construction of the new facility, the materials in process there, the inherent shielding provided by the facility structures, etc.

In summary, it is not in the public interest to mandate excessively restrictive radioactivity levels before the ultimate best use can be reasonably determined. Again, when the re-use plan has been adopted (about five years from "end-of-life"), residual radioactivity levels can then be established, recognizing on a case-by-case basis the degree of protection of the public required by the specific new use envisioned. It would be unconscionable to fix an arbitrary level to be applied nation-wide and independent of the nature of site re-use.

Conclusions:

The draft EIS seems to overlook the fact that nuclear sites are owned by entities; they are not public lands. Any decommissioning framework that ignores "due process" in treating private property is doomed to endless litigation. Also, the public health and safety concerns must include examination of the benefits to the public that derive from intensive re-use of facilities; the draft EIS must address this issue and offer a mechanism for balancing the various perceptions of public health, safety and benefit.

Sincerely,

Ralph L. Meyer  
Vice-President - Regulatory Services