

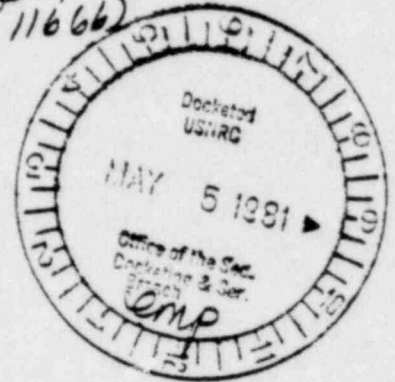


**Commonwealth Edison**  
 One First National Plaza, Chicago, Illinois  
 Address Reply to: Post Office Box 767  
 Chicago, Illinois 60690

DATE NUMBER  
 PROPOSED RULE

**22**  
 PR-30,40,50,70,72  
 (46 FR 11666)

April 23, 1981



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

Attention: Docketing and Service Branch

Dear Sir:

We have discovered a typographical error in our earlier comments of April 22 regarding the Draft Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, NUREG-0586, which affects the substance of our comments. We are therefore submitting the enclosed corrected version to be substituted for our earlier submittal.

Your cooperation in this matter is greatly appreciated.

Very truly yours,



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 Vice President

kb  
 Enc.

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L-4-1, p. 30



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April 23, 1981

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

Attention: Docketing and Service Branch

Dear Sir:

Commonwealth Edison Company ("Commonwealth") submits these comments on the Draft Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, NUREG-0586, and the associated Staff papers, noticed in the Federal Register on February 10, 1981 46 Fed. Reg. 11666. Commonwealth has licenses to operate seven nuclear units, including the nation's oldest commercially built nuclear reactor, Dresden 1, and holds construction permits for six more units at La Salle County, Byron and Braidwood. Accordingly, Commonwealth has a strong interest in the establishment of practicable guidance for the decommissioning of nuclear facilities.

Commonwealth Edison is in general agreement with the comments of the Utility Decommissioning Group and the Atomic Industrial Forum. We hope that the NRC will give their comments serious consideration.

Commonwealth Edison views with special concern the conclusion of the Draft Generic Environmental Impact Statement that additional mechanisms are required to provide "a high degree of assurance" that adequate funds are available for decommissioning. In the first place, with the exception of accident situations, Commonwealth does not agree that shut-down nuclear facilities present any significant risk to the public, and therefore there is no need for a "high degree of assurance" that large amounts of capital be immediately available for decommissioning. This is certainly implicit in the acceptability of the SAFSTOR option, which contemplates segregating the facility from the public while residual radioactivity undergoes natural decay. The appropriate standard is whether there exists a "reasonable degree of assurance" that decommissioning funds will be available when needed, taking into account the safety significance of decommissioning.

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Moreover, as the NRC Staff paper on "Financing Strategies for Nuclear Power Plant Decommissioning," NUREG/CR-1481, makes clear, there is a significant cost advantage to the present internal reserve system over other funding mechanisms considered, such as prepayment or segregated sinking funds. We believe this cost advantage is important, particularly in light of the serious difficulty many utilities are currently experiencing in raising funds in the capital markets. Because licensees' ability to raise capital to meet NRC requirements is limited, first priority has to go to those matters which provide the greatest improvement in safety. Again, it seems obvious that the application of funds to building and operating reactors in the safest possible manner is more in the public interest, than, for example, diverting such funds to segregated reserve accounts which would secure only remote and marginal safety improvements.

Commonwealth Edison recognizes that the accident at Three Mile Island points to the need for additional funds for clean-up of similarly damaged facilities, although clearly there may be companies for which the impact of a premature decommissioning would be tolerable financially without external financial support. The Draft Generic Environmental Impact Statement and the accompanying Federal Register notice do not explicitly state whether the NRC intends to propose rules governing financial assurance for decommissioning costs prior to completion of the further studies on post-accident decommissioning referred to therein. In our view, the financial and technical requirements of post-accident decommissioning should be treated separately from those of normal decommissioning. However, if the NRC does intend to publish rules addressing post-accident decommissioning in the near future, we urge that it adopt the most flexible possible approach to requiring additional financial assurance mechanisms. Unnecessarily prescriptive NRC requirements specifying insurance as the only practical measure for meeting decommissioning obligations could raise serious questions as to the availability of appropriate insurance coverage. We therefore would encourage use of regulatory guides or other non-binding guidance in this area, if the NRC believes additional financial assurance for accident-related decommissioning is required.

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With respect to the technical issues presented by the Draft Generic Environmental Impact Statement, Commonwealth has no objection to the proposal that decommissioning plans be developed for each operating plant, subject to two important qualifications. The planning requirement should be phased in such a way that it does not delay the issuance of new operating licenses. Second, the planning should not be so detailed that it fails to allow for significant advances in decommissioning technology during the 30-year life of the facility. Commonwealth believes it would be reasonable to update these general decommissioning plans no more frequently than every five years. Such updating should not be the occasion for public hearings. Either the plan itself should not be part of the operating license, or (assuming the Sholly decision is corrected) it should be established by the Commission, when the decommissioning requirements are first adopted, that such updating does not involve significant hazard considerations.

Commonwealth does not agree that post-decommissioning residual radioactivity levels in excess of 1 mrem/year would require justification. A more appropriate threshold for regulatory attention would be 5 mrem/year. And, of course, the level of residual radioactivity deemed to be acceptable would depend on the proposed use of the decommissioned site. In referring to land dedicated for SAFSTOR and ENTOMB operations, the Draft Generic Environmental Impact Statement seems to imply that the entire site would be restricted until all significant radioactive materials are removed. In reality only a very small portion of the land area originally covered by plant buildings would need to be restricted.

Finally, while Commonwealth recognizes that the Draft Generic Environmental Impact Statement expressly excludes recommissioning from consideration, we wish to emphasize that in light of the inherent quality and safety of nuclear facilities, the most reasonable alternative at the end of a nuclear power plant's operating license could well be allowing continued operation rather than decommissioning the facility.

Commonwealth Edison appreciates the opportunity to submit comments on this NRC document.

Respectfully submitted,

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Vice President