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November 14, 1980

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

Re: Dresden Station Unit 1
Chemical Cleaning of
Primary Coolant System
NRC Docket No. 50-10

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Goddard/Bark
Olmstead
EF

Dear Mr. Chilk:

These comments are submitted on behalf of Commonwealth Edison Company, which has been informed that a petition for public hearings has been filed by Citizens for a Better Environment and various other citizens groups in opposition to the proposed chemical cleaning by Commonwealth Edison of its Dresden Unit 1 reactor located in Morris, Illinois. Apparently the decision whether to hold such hearings prior to authorizing the chemical cleaning has been referred to the Commission itself, rather than to the Director of Nuclear Reactor Regulation pursuant to 10 C.F.R. §2.206. In light of the fact that the NRC Staff has already found, three times, that the proposed action will have no significant impact on the human environment, and further found at least once and perhaps twice that there are no significant hazards considerations, the Commission ought to allow the chemical cleaning to go forward without further delay.

Commonwealth Edison and the chemical cleaning project have already suffered due to the postponement caused by the NRC's last-minute decision earlier this year to prepare an environmental impact statement, notwithstanding the NRC Staff's express conclusion that the chemical cleaning "will not cause any adverse environmental impacts." See Commonwealth Edison Company (Dresden Nuclear Power Station Unit No. 1), Director's Decision DD-80-24, 11 NRC 951 (1980). The Director's decision to prepare an environmental impact statement was because of the "significant interest and concern" expressed by many of the same members of the public who now request public hearings. The delay associated

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with preparing the environmental impact statement has cost Commonwealth Edison and its customers more than \$420,000 as of October 20, 1980, and those costs are continuing to accrue. Commonwealth Edison is extremely concerned that further economic waste and possible prejudice to the project itself will result if the NRC now determines, again at the eleventh hour, that adjudicatory hearings must be held prior to carrying out the chemical cleaning. In Commonwealth Edison's view the goal of public participation in regulatory decision-making has been satisfied by the public meeting held by the NRC in respect of the Draft Environmental Statement in Morris, Illinois on August 14, 1980.

A brief history of the chemical cleaning project seems in order. Dresden Nuclear Station, Unit 1 is the first privately built nuclear reactor in the United States. It began operating in August 1960, but since 1978 has been shut down for installation of various safety backfits. Over the years Dresden Unit 1 was operating, a thin layer (less than 2 mils) of corrosion deposits (crud) developed on the interior surfaces of the primary system, increasing radiation fields which made certain maintenance and inspection activities much harder to perform. The purpose of the chemical cleaning project is to reduce occupational exposure to its employees in keeping with the ALARA requirements of 10 CFR Part 20 and to allow certain inservice inspection activities to be carried out as economically as possible.

In December 1974 Commonwealth Edison Company submitted its proposal to the NRC for its review. On December 9, 1975 the NRC authorized Commonwealth Edison to proceed with the chemical cleaning, subject to resolution of three open items. At that time the NRC found the project would have no significant impact on the human environment. In addition the NRC Staff's December 9, 1975 safety evaluation specifically concluded:

"[B]ecause the chemical cleaning does not involve a significant increase in the probability or consequences of accidents previously considered and does not involve a significant decrease in a safety margin, the cleaning project does not involve a significant hazards consideration."

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In subsequent years, relying on the initial Staff approval, Commonwealth Edison built extensive chemical cleaning facilities and mobilized a large task force of architects, engineers and workers. By early 1980, Commonwealth Edison had satisfied the Staff with respect to the three open items and was ready to carry out the chemical cleaning. It had expended a majority of its \$37.5 million budget, and incurred 290 man-rem occupational exposure,^{1/} as compared to its original estimate of 250 to 500 man rem for the entire project. To complete the project today would cost only \$1.3 million dollars and about 50 man-rem.

In 1979 and early 1980 the NRC received a flurry of petitions from interested citizens and groups requesting that an environmental impact statement be prepared, and in one case, requesting public hearings. In May of 1980 Commonwealth Edison announced that it was deferring the restart of Dresden Unit 1 until June 1986 due to existing corporate short term cash flow deficiencies and uncertainty regarding regulatory requirements arising out of the Systematic Evaluation Program and the lessons learned from the Three Mile Island accident. At the same time, Commonwealth Edison stopped work on all major engineering projects at the facility, with the exception of the chemical cleaning project, for which special facilities had been completed, chemicals purchased, and personnel trained to a high degree of readiness. Shortly after Commonwealth Edison announced it was deferring restart of the unit, the Director of Nuclear Reactor Regulation decided to require preparation of an environmental impact statement "because of significant interest and concern expressed by members of the public relating to decontamination of Dresden Unit No. 1," even though the Staff's own reevaluation of the project again led them to conclude that it would not significantly affect the human environment. This decision was subsequently formalized as "Director's Decision Under 10 CFR §2.206," DD-80-24, 11 NRC 951 (June 26, 1980). However, at the same time as his decision to prepare an environmental impact statement, the Director denied the request for public hearings, on the basis that the request was predicated on the lack of assurance that the NRC would issue an environmental

^{1/} This figure of 290 man-rem includes 84 man-rem incurred for projects not within the original 250-500 man rem estimate. Thus in building the chemical cleaning facility, Commonwealth Edison has done a good job in implementing ALARA.

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impact statement. Therefore, throughout this summer Commonwealth Edison maintained its facilities in readiness for chemical cleaning to take place in the fall.

On August 14, 1980, the NRC sponsored a public meeting in Morris, Illinois to discuss the draft environmental statement. Thirteen NRC personnel attended, including management, technical reviewers, consultants and lawyers. Most of those who had requested that the NRC prepare an environmental impact statement or who had commented critically on the draft environmental statement were also there. The NRC experts addressed every question asked, and the comments of those who attended the meeting were reflected in the final environmental statement.

When the final environmental statement, NUREG-0686, was published on October 17, 1980, it again reaffirmed the Staff's conclusion that the chemical cleaning will have no significant impact on the human environment (Section 6). And it also concluded that:

[T]he decontamination process and the associated facilities built to solidify the radioactive waste will not be subject to any accidents more severe than those previously considered for the Dresden site and will not result in any hazards not previously considered.

(Section 4.3). This statement closely resembles the definition of "No significant hazards consideration" contained in proposed 10 CFR §50.91(b), 45 Fed. Reg. 20491 (March 28, 1980).

Commonwealth Edison is concerned to learn that the NRC is now contemplating holding adjudicatory hearings in respect of the chemical cleaning. We are at a loss to understand the basis for such a decision.

There is no legal requirement for the NRC to hold adjudicatory hearings under the National Environmental Policy Act of 1969. Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 548 (1978). The NRC has now expressed, three times, its view that there will be no significant environmental impact associated with the chemical cleaning.

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Under Section 189a of the Atomic Energy Act of 1954, a hearing must be held in respect of any license amendment "upon the request of any person whose interest may be affected by the proceeding." However, if the NRC determines that the license amendment involves "no significant hazards consideration," the NRC can issue the license amendment, effective immediately. In such cases, the request for hearing does not, by itself, require the licensing process to grind to a halt while hearings are held. The NRC has recently reaffirmed that this is the law in briefs filed by the Office of the General Counsel in the United States Court of Appeals for the District of Columbia. The NRC Staff has determined twice -- in 1975 and again, apparently, in the final environmental statement -- that no significant hazards exist. In fact, Dresden Unit 1 is currently shutdown, and there is no nuclear fuel in the reactor core or within the spherical containment. The Petition for Public Hearings filed by Citizens for a Better Environment on July 8, 1980 fails to raise any specific safety issues, and the somewhat more detailed comments filed by CBE and others in respect of the draft environmental statement have not altered the best judgment of the NRC Staff's own technical reviewers as expressed at the August 14, 1980 public meeting in Morris, Illinois, that there are no serious unresolved environmental or safety concerns. The only conceivable safety issue with any substance seems to Commonwealth Edison to be whether the chemical cleaning will harm the reactor primary coolant system boundary. Commonwealth Edison's and the Staff's grounds for confidence on that issue, based on the extensive corrosion testing program already carried out and the surveillance program which will follow the chemical cleaning, can safely be addressed, if necessary, in adjudicatory hearings after the chemical cleaning, but prior to start-up in 1986.

Of course, the Commission has authority to require public hearings when it finds them to be "in the public interest." 10 CFR §2.105. But in Commonwealth Edison's view, the public interest is not well served by devoting substantial Staff and licensee resources to hearings which do not involve significant environmental or safety issues. As Chairman Ahearne stated in criticizing the decision to prepare environmental impact statements in this case:

If the NRC had a surfeit of people and funds and if EIS's did not add any time to the regulatory process, then perhaps doing EIS's when they are not needed might be acceptable (although not a responsible use of taxpayers' funds -- but since neither condition is the case, EIS's should not be done when they are not required.

(FES, Appendix A). These remarks are even more compelling when applied to the NRC hearing process.

The broader public interest requires that the NRC weigh the costs of delaying the Dresden chemical cleaning project pending completion of adjudicatory hearings:

- 1) An extended delay at this time would cause the loss of key personnel from the project. These people, some of whom have been with the project since its inception in 1973-74, have considerable expertise in the design, engineering, construction and operation of the chemical cleaning system, as well as related research studies. These people cannot be expected to put their professional careers "on hold" indefinitely. The loss of these personnel will result in the loss of extensive knowledge and skills necessary for a successful completion of the project.

New personnel will be required and it will take them considerable time to review the chemical cleaning system to obtain a full understanding of its functions and operations.

- 2) Additional expense would be incurred to lay up the installed equipment for proper long-term storage. An estimated \$50,000 would be necessary to perform the actual chemical cleaning system lay-up. Another \$25,000 would be required to perform the necessary maintenance and inspections for a one year lay-up period. (Total estimate \$75,000)
- 3) A delay would require a complete repetition of preoperational testing of all equipment and systems taking a total of approximately eight (8) weeks at a cost of \$300,000.

Additional factors to be considered in a delay of the chemical cleaning project due to the granting of a public hearing are as follows:

- 4) Any delay in the chemical cleaning will require personnel, as they perform routine activities, to receive additional radiation dosage. The following lists activities as a minimum that will be performed:

<u>Activity</u>	<u>Dosage</u>
a) Re-hydro test of the reactor pressure vessel system.	1 man-rem
b) Retraining of new personnel.	15 man-rem
c) Detensioning of RPV head and later retensioning.	6 man-rem
d) Leak detection system maintenance.	1 man-rem
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Total additional dosage not previously estimated	<u>23 man-rem</u>

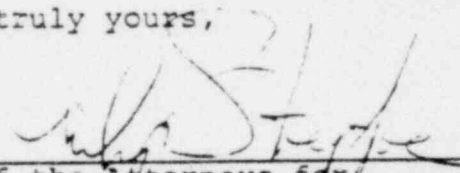
This total of 23 man-rem does not include dosage which would be incurred as a result of any in service inspections required during the lay-up period. Activities related to the Dresden 1 lay-up could increase this number significantly. A delay in the chemical cleaning could possibly prohibit potential lay-up alternatives from being performed, due to excessive dosage.

- 5) Any delay in the chemical cleaning reduces or eliminates the company's flexibility to adjust the unit's return to service if load demand or financial considerations change. The chemical cleaning must be completed before many of the required plant modifications are made. Early completion of the cleaning allows efficient use of manpower and financial resources.

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In the absence of any significant new information calling into question the safety or environmental impact of the proposed chemical cleaning, Commonwealth Edison respectfully requests that the Commission allow it to proceed. Mere controversy, without technical foundation, does not justify paralysis of the licensing process. While we appreciate the many other demands upon the Commission's time, we hope that the Commission, having accepted referral of this matter from the Director of Nuclear Reactor Regulation, will make its decision promptly. In our view, the decision of whether or not to hold a hearing is clearly not an appropriate subject for further delegation or delay.

Very truly yours,



One of the Attorneys for
Commonwealth Edison Company

PPS/kb

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