

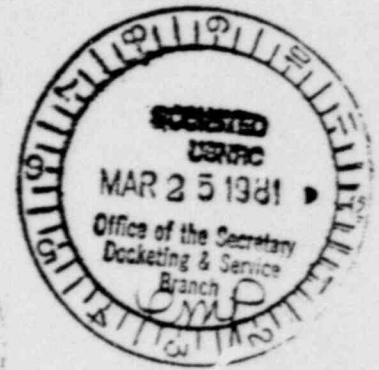
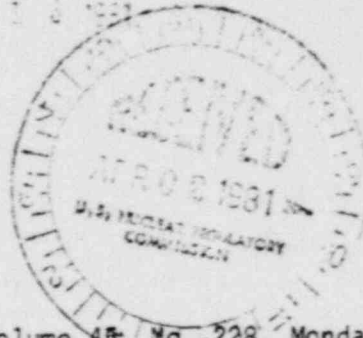


DOCKET NUMBER

PROPOSED RULE PR-30, 40, 50, 70
(45 FR 77894) ①

Department of Energy
Washington, D.C. 20585

FEB 1 8 1981



Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chilk:

Please refer to Federal Register, Volume 45, No. 228, Monday, November 24, 1980, on proposed rule relating to "Decommissioning of Nuclear Facilities Regulation (10 CFR Parts 30*, 40*, 50*, and 70*)."

On the basis of a review by interested Department of Energy Headquarters and Field Office organizations, it has been concluded that the regulation is premature and unjustified from the standpoint of cost versus benefit for the following principal reasons:

1. The benefits of the regulation are extremely vague and, according to the Nuclear Regulatory Commission, can be characterized only in a general way. The costs are also not well established, but apparently could be considerable. For these reasons, the regulation is premature.
2. The present regulatory approach leaves the choice of decommissioning method, schedule, and financial procedures to the licensee within a loose framework of regulatory criteria. Although the notice recognizes that none of the current operating reactors is in need of decommissioning in the near future, it proposes an approach of carefully specifying the decommissioning procedures licensees must follow. In view of the fact that new technology will no doubt be available when current reactors are in need of decommissioning, and that perspectives and other conditions will probably change as well, the application of a prescriptive approach at this time appears unnecessary and potentially counterproductive. In short, the regulation will most likely be obsolete when needed. The present approach should be retained.
3. The limit of 100 years on "permanent" isolation of certain radioactive components or areas is unrealistic for these reasons:
 - a. Methods are available to assure isolation for longer periods.
 - b. If the regulation were applied to waste storage sites, including low-level waste storage sites, it would technically require the decontamination and decommissioning of such sites after 100 years. The only way this could be accomplished would be to move the waste to another site. Obviously, the 100-year limit cannot be applied to locations designated as low-level burial sites or high-level waste repository sites.

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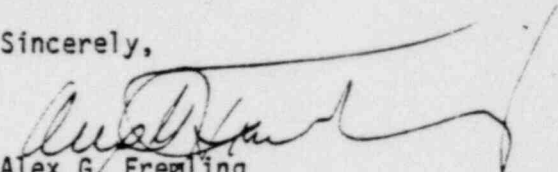
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- c. The proposed approach will not allow for permanent isolation of radioactive components on the site if they would have significant radioactivity for 100 years or more. This option of long-term storage of components at a power plant site could be of value if a plant were to be refurbished and operated for an additional plant lifetime. In that case, radioactive components from the original plant could be stored on site and their isolation guaranteed for 30 to 40 years initially, and possibly for much longer times eventually.

The regulation notes that the additional financial assurance costs could drive smaller nuclear fuel cycle licensees out of business and that the costs for the more than 20,000 material licensees are not well established. Under these conditions it is improper to include such facilities for consideration under the regulation.

If more detailed discussions are deemed necessary by the Commission on this matter, please contact E. Redden (353-3548) of my staff.

Sincerely,



Alex G. Fremling
Acting Assistant Secretary
for Environment