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Comments on Advance Notice of Rulemaking: MANDATORY INSURANCE FOR DECONTAMINATION OF NUKES.

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This entire rulemaking and interim final rule hangs in the air. The emphasis in these rules seems to be on how much insurance is available. The emphasis should be on what, how fast, how extensively must the decontamination be accomplished. This rulemaking seems to be putting the cart before the horse, and then not even requiring a cart or horse. Great emphasis is placed on getting insurance, amount of available insurance and form of insurance. Little emphasis is put on the rule in how extensive, what kind of accident, and how frequent will the accident be against which this insurance is purchased.

Presumably, this insurance will be purchased to preform decontamination after a TMI2 type accident. Little mention is given in the rulemaking to the TMI2 accident; yet, that is the accident of record.

Also since the sole experience is the TMI2 accident, this experience should be looked at to answer many questions in the rulemaking such as

- a. How much will the decontamination cost at TMI2?
- b. Is this the estimate of the insurance required per accident?
- c. How frequently should we expect an accident of the magnitude of TMI2?
- d. Is the TMI2 accident the worst or only type accident that must be insured against or are the other accidents for which insurance is necessary?
- e. Can test reactors and BWTs experience accidents of the magnitude, type or frequency of the TMI2 experience? or worse? or more frequent? The SL -1 and Fermi experiences are appropo here.
- f. Does decontamination include transportation or fuel pool accidents? Other fuel cycle accidents? Will this be a different rule making? When?

At least an actuarial or statistical answer is needed to the above before some sort of insurance requirement is promulgated. The data need not be precise, but available so that the basis behind the assumptions are known.

Now I shall answer part of the questions that I have presented.

- 1. The estimates of the cost of the decontamination of TMI2 should be used as a minimum. If this much insurance is not available, the licensee should suspend operations until he can find sufficient insurance.
- 2. The frequency of the TMI2 accident has been quoted at 1 in 300 reactor years in Dr Walter H. Jordans latest book. This estimate may be used until better studies appear, or we experience more accidents.
- 3. Some buffer must be built in for accidents that are worse than TMI2. I suggest that the 'buffer' should include the Wash 740 Update accident.

8/16/82 emp

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