

DOCKETED
USNRC

CITIZENS AWARENESS NETWORK, Box 83, Shelburne Falls, MA 01370

December 13, 1993

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To: Mr Samuel Chilk
Secretary of the Commission
Nuclear Regulatory Commission
Washington, DC 20555

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Re: Dismissal of appeal

Dear Mr Chilk,

We are in receipt of your letter of denial of a hearing. Notwithstanding your summary dismissal of our request for a hearing, Citizens Awareness Network's position remains constant.

YAEC has begun the removal of the internals. From what we can ascertain two shipments of internals have been shipped to Barnwell in November. The shipment of the internals are clearly decommissioning not "minor maintenance".

NRC is ignoring its own rules and case precedents in "raising no objections" to the CRP. This CRP is in violation of congressional intent and the Sholly amendments. These guarantee that the public has some influence in policy decisions of NRC which impact on them. NRC is acting in an arbitrary and capricious manner. The decommissioning rule states

[I]t is the intent of the rule to provide the necessary guidelines to assure that decommissioning is carried out in a manner which protects the public health and safety. To this end, the rule contains requirements that a decommissioning plan contain a description of the following: The choice of the alternative for decommissioning and the activities involved; The controls and limits on procedures and equipment to protect occupational and public health and safety; A description of the planned final radiation survey; Quality assurances and safeguard provisions, if appropriate; and a plan for assuring the availability of funds for decommissioning. Based on this requirement the licensee submits the necessary information to the NRC in the decommissioning plan. The NRC's evaluation of information contained in this plan, and the licensee's subsequent conduct of decommissioning activities is based on existing regulations applicable to reactors and other facilities undergoing decommissioning. These regulations include 10CFR parts 20,50,61,70,71,

The primary means of protecting the public and workers during decommissioning is through the implementation of the decommissioning plan. The licensee's decommissioning plan would contain the means for complying with the parts of the regulations discussed above which are applicable to non-operating facilities.

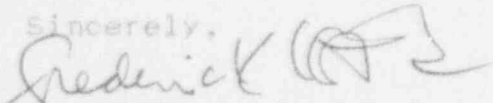
The decommissioning plan and associated approval process [for approving amendments to licensees] provide an adequate legal framework for the regulation of facilities undergoing decommissioning. Therefore, the licensee would not have independence in conducting decommissioning. The commission does not merely assume the utilities will follow basic safety criteria.. The licensing offices will review decommissioning plans based on applicable criteria and guidance and the inspection and enforcement staff will monitor the carrying out of the plans.

Although the commission must approve the decommissioning alternative and major structural changes to radioactive components of the facility or other major changes, the licensee may proceed with some activities such as decontamination, minor component disassembly and shipment and storage of spent fuel if these activities are permitted by the operating license and/or section 5.59.

Again we state the the removal of the internals constitutes decommissioning and is not "minor component removal". CAN objects to the entire process.

We again request a hearing on the decommissioning experiment of NRC and YAEC. This process in total presents an unreviewed safety issue.

Sincerely,



Frederick Katz
Citizens Awareness Network

cc: Gunter
Block
Lesser
Hager