

YANKEE ATOMIC ELECTRIC COMPANY

DSI-5
34

Telephone (508) 779-6711
TWX 710-380-7619



580 Main Street, Bolton, Massachusetts 01740-1398

December 2, 1996
FYC 96-010



Mr. John C. Hoyle
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Chief, Docketing Service Branch

Subject: NRC Strategic Assessment and Rebaselining Initiative (61 FR 52475, dated October 7, 1996)

Dear Mr. Hoyle:

Yankee Atomic Electric Company (Yankee) appreciates the opportunity to comment on NRC's initiative to strategically assess and rebaseline its mission and goals. Yankee is the owner of the Yankee Nuclear Power Station, which is in the process of being decommissioned. Yankee is also the provider of engineering and licensing services to other nuclear power plants within the United States. Yankee's comments, which are attached, respond to the following direction-setting issue papers:

- low level waste (DSI 5)
- high level waste and spent fuel (DSI 6)
- operating reactor program oversight (DSI 11)
- risk-informed, performance-based regulation (DSI 12)
- public communications initiatives (DSI 14)
- fees (DSI 21)
- research (DSI 22)
- enhancing regulatory excellence (DSI 23)
- decommissioning of power reactors (DSI 24)

We would add that the Commission's periodic assessment of the NRC's direction and activities can be extremely beneficial. However, for such an important initiative, the Commission has not provided stakeholders with sufficient time for review and comment, even with the extension that was granted. The lack of review time was underscored by a number of NRC licensees and members of the general public at the first NRC workshop. Further, we are concerned that the overall process gives the appearance of stakeholder input, but the schedule for review of comments, if conducted over the short period of time originally proposed, is unlikely to be substantive in terms of any meaningful analysis of the stakeholders' comments. To ensure

COMMUNICATIONS SECTION
ADMINISTRATIVE & SERVICE SECTION
OFFICE OF THE SECRETARY
OF THE COMMISSION

Document Statistics

Postmark Date FedEx 12/2/96 - replaces fax 12/1/96

Copies Received 1

Add Copies Reproduced 5

Special Distribution PDR, RIDS, Schum
Kennedy, Knapp

*Letter, Yankee to U.S. NRC
December 2, 1996*

schedule for review of comments, if conducted over the short period of time originally proposed, is unlikely to be substantive in terms of any meaningful analysis of the stakeholders' comments. To ensure meaningful consideration of all comments on such a broad range of key issues, the Commission should consider a revised schedule that allows for sufficient NRC Staff and Commission evaluation and entertains the possible additional interaction with stakeholders prior to establishing a new direction.

We also would emphasize that the papers fail to highlight the significant improvements made by the NRC and the industry over the last 17 years since the TMI accident, and in doing so, continue to cultivate the idea that there is much need for improvement in terms of ensuring public health and safety. The Commission needs to seriously consider that a point might be reached where the costs of the regulator imposed "continual improvement" initiatives bring into question the economic viability of the nuclear option, and as a result of NRC policies and actions, society is effectively denied the benefits of this important energy source. We urge the Commission to commit to a concerted effort to develop an objective standard for adequate protection of the public health and safety, beyond which no additional, incremental efforts to reduce risk should be required. We believe that unless such an effort is completed, licensing, oversight, investigative, and rulemaking initiatives will continue to place undue weight on subjective judgements and non-quantitative criteria, thereby fueling the never-ending upward spiral of performance expectations for licensees.

Sincerely,
YANKEE ATOMIC ELECTRIC COMPANY



Jane M. Grant
Manager, Regulatory and Industry Affairs

Attachments

c: M. Fairtile, NRC, NRR
J. White, NRC, Region I

**COMMENTS ON DSI 5
LOW-LEVEL WASTE**

Question 1. What, if any, important considerations may have been omitted from the issue paper?

We believe that NEI has correctly pointed out that DSI 5 does not adequately consider the following important issues:

- the dynamic, tenuous status of low level waste (LLW) treatment and disposal in the United States
- the premise that disposal capacity at any cost is acceptable
- the reality that current disposal capacity can limit license renewal projects and dictate decommissioning planning and scheduling
- resolution of current issues such as clean-up standards, de minimis levels of radioactivity, and recycling of contaminated materials

Question 2. How accurate are the NRC's assumptions and projections for internal and external factors discussed in the issue paper?

With regard to internal factors, we share the concerns of the Advisory Committee on Nuclear Waste (ACNW) regarding the elimination or reduction of the LLW program and agree with the ACNW that "a strong, centralized program for LLW in NRC to achieve consistent, adequate, and coherent LLW programs in the U.S. [is needed]."

We question NRC's projections regarding the external factors statement that, "... the staff expects new facilities to be licensed and begin operation in 2000." This statement regarding the siting of state or compact facilities is vague and overly optimistic in view of the fact that in 16 years of planning at the state level, no new state LLW facilities are now operating, except for Environcare in Utah (privately owned and operated). Furthermore, NRC describes Environcare's potential in a way that overstates the disposal relief to LLW generators currently provided by that facility.

Question 3. Do the Commission's preliminary views associated with each issue paper respond to the current environment and challenge?

The Commission's preliminary view on this issue is responsive to the current environment but not the challenge. The issue paper generally describes the current status of the LLW program, however, it provides an overly optimistic view of the status of the Barnwell facility, and thus its ability to afford LLW generators the disposal capacity over time. Although it is possible for Barnwell to remain open for the next 10 years, it is highly dependent on the support of South Carolina's General Assembly and Governor; such support must be demonstrated annually.

The DSI accurately states that the, "NRC has a broad safety interest in the development of new and reliable disposal facilities" and follows with the NRC posture regarding LLW storage by stating that the, "NRC has historically favored disposal and discouraged long-term storage as a method of managing LLW." These statements, in addition to the fact that the Barnwell situation is tentative for all intents and purposes, underscores the need for the NRC to advocate for current and future commercial siting initiatives in the states, thereby meeting the current challenge.

Question 4. Which option do you endorse?

We endorse Option 1, that is, NRC should assume a greater leadership role in establishing new disposal capacity. At a minimum, the NRC must take a more aggressive role in expediting the state siting initiatives and must prioritize on its agenda the licensing of state and compact facilities. The NRC should take control of the issues and take a stronger stand on the political (i.e., the Ward Valley situation) and technical issues as well as the policy issues surrounding LLW disposal.

Subsumed Issues

- 1. If the NRC chooses to reduce its LLW program, what should be NRC's approach for retaining technical competency and capabilities to review a license application for low-level waste disposal facility from a Non-Agreement State?**

NRC should maintain its current technical competency and capabilities.

- 2. If NRC chooses to reduce its LLW program, how should the NRC posture itself to ensure that technically competent and knowledgeable staff are available to respond**

*Letter, Yankee to U.S. NRC
December 2, 1996
Attachment 1*

to States' requests for technical assistance on difficult and controversial LLW disposal issue?

NRC should maintain its current technical competency and capabilities.

3. Should the NRC proceed to promulgate final guidance on performance assessment of LLW disposal facilities?

Yes, in order to ensure consistency among Agreement States and NRC licensed facilities, the NRC should promulgate final guidance on performance assessment of LLW disposal facilities.