

YANKEE ATOMIC ELECTRIC COMPANY

DSI-24

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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

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*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

Jane M. Grant
Manager, Regulatory and Industry Affairs

Attachments

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

DSI 24
DECOMMISSIONING - POWER REACTORS

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

DSI 24 says little about the opportunity that the Commission has to use a performance-based, risk-informed approach with regard to decommissioning, except that it "recognizes the risks associated with decommissioning reactor facilities are not the same as operating reactor facilities." This is a serious oversight as the risks from decommissioning are not only different, but are minimal in terms of impact to the public health and safety. Furthermore, decommissioning funds are limited and therefore, it is critical that NRC use a performance-based, risk-informed approach to decommissioning. Yet, in August 1995, the Commission proposed a rule change to Part 73 safeguards requirements that, for the most part, ignored the use of a performance-based, risk-informed approach and instead recommended prescriptive requirements. Also, earlier in 1996, the Commission adopted a revision to the Part 50 decommissioning licensing requirements that also showed signs of NRC's hesitancy to adopt a performance-based, risk-informed approach. In that case, NRC once again used a prescriptive approach in that it focused on the submittal of a detailed license termination plan that speaks to far more than the performance criteria (radiological release criteria) that must be met.

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

NRC states that "it is not unreasonable to project that three to five power reactors will cease operations in the next 5 years" and that "[r]esources for this increased workload should be offset by the decrease in the operating reactor workload caused by the plants that shutdown." NRC's estimate could be unduly optimistic given existing issues for decommissioning facilities and increasing NRC initiatives imposed on operating plants. On the operations side of the equation, costly NRC initiatives such as implementation of the maintenance rule requirements (10 CFR 50.65), vehicle barrier requirements (10 CFR 73.45), revision to 10 CFR 50.55a implementing Subsections IWE and IWL of the ASME Code, proposed rules dealing with steam generator integrity and shutdown operations, and other NRC initiatives such as the October 9, 1996 10 CFR 50.54(f) information request from the EDO, and new NRC inspection and OI activities, have and will significantly increase the regulatory burden. These activities have created such a significant operating reactor workload for the NRC (and licensees) that even if three to five plants were to shutdown, we do not see how any of the resources assigned to those plants could be made

available for decommissioning of those same plants.

On the decommissioning side, there still remain high profile issues, such as radiological release criteria, applicability of Title 10 requirements to decommissioning facilities, high level waste disposal, low level waste disposal, and electric utility restructuring that must be resolved and should be resolved in concert with one another. It is important that NRC dedicate sufficient resources to ensure that finite decommissioning funds can be focused on what matters, that is, remediating the site safely and efficiently.

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

We agree with NEI that the Commission's preliminary views (continue the current direction and approach) fail to respond to the current dynamic environment of decommissioning and the need to afford licensees every opportunity to use its finite decommissioning monies wisely. The Commission suggests that the NRC should address new and innovative regulatory approaches. We have specific comments on the three examples that are cited:

- Transfer to Agreement States -- We agree with NEI that this option could significantly set back the industry's progress in decommissioning to date. In addition to the reasons cited by NEI, this approach would not offer the regulatory coherence that is needed to complete decommissioning successfully (i.e., safely and efficiently).
- Resident Inspector -- Given everything that NRC has stated about the need to focus its resources on risk-significant matters, it would make absolutely no sense to assign a resident inspector to a site for the entirety of decommissioning. Continued use of periodic inspections is appropriate because such an approach is commensurate with the low level of risk posed by decommissioning and spent fuel storage operations.
- Enhanced Performance-Oriented Approach -- A performance-based, risk-informed approach is appropriate given the finite resources of NRC and licensees, combined with the low risks to public health and safety associated with decommissioning and spent fuel pool operations.

*Letter, Yankee to U.S. NRC
December 2, 1996
Attachment 9*

Question 4. Which Option do you endorse?

We endorse Option 2, that is, pursue current direction and approaches more aggressively, to include risk-informed, performance-based approaches. We would add that all initiatives relating to decommissioning should carefully consider the impact on the economic viability of operating plants and on current decommissioning facilities to complete decommissioning safely and efficiently.