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Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555
Attn: Docketing and Service Branch

Reference: NRC Docket No. 50-341
NRC License No. NPF-43

Subject: Detroit Edison Comments on NRC Draft Policy Statement
Entitled "Use of Decommissioning Trust Funds Before
Decommissioning Plan Approval; Draft Policy Statement"
(59 FR 5216, February 3, 1994)

The Detroit Edison Company (Edison) is pleased to submit these comments in response to the NRC's draft policy statement entitled "Use of Decommissioning Trust Funds Before Decommissioning Plan Approval; Draft Policy Statement". Edison possesses an undivided qualifying interest in Fermi 1 and Fermi 2 located in Frenchtown Township, Monroe County, Michigan. Fermi 1 was a sodium cooled, fast breeder reactor that has been shut down since 1972. Edison intends to retain Fermi 1 in safe storage (SASTOR) status until the Fermi 2 unit is shut down and decommissioned. Fermi 2 is a nuclear generating unit (BWR) having a nominal capacity rating of 1,139 megawatts.

This draft policy statement presents the criteria the NRC proposes to follow in addressing requests from power reactor licensees that have permanently shut down their power reactors to make withdrawals from external decommissioning funds before the NRC approves their decommissioning plans.

Edison is requesting that the NRC expand its policy statement to include withdrawals of funds prior to permanent shut down or prior to the shutdown planning stage to be used for the purpose of disposal of low level radioactive waste generated during plant operation if the State Regulatory Commission or the FERC has authorized contributions to decommissioning trust funds specifically for this purpose and these funds are kept in a separate account.

Currently, all nuclear plants in Michigan must store their low level radioactive waste onsite. Eventually, the lack of storage will require construction of additional storage facilities. By order of the Michigan Public Service Commission, Edison is contributing funds to its external trusts for the explicit purpose of low level

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radioactive waste disposal. These funds are accounted for separately from other "traditional" decommissioning costs. Low level radioactive waste disposal should be explicitly permitted by the NRC as this disposal is not only an activity that does not "significantly increase decommissioning costs," it could actually decrease decommissioning costs by potentially leaving fewer structures to be decommissioned. Additionally, less radioactive waste would require disposal at the time of decommissioning if operating waste was disposed of during plant operation. However, it is appropriate to consider cost of disposal of low level waste generated during operation as decommissioning costs when the waste cannot be disposed of during plant operation, but will need to be removed from the facility before the site can be released for unrestricted use, a condition required by the NRC definition of decommissioning.

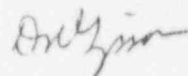
If a site were to become available, Edison's intention is to ship its accumulated low level radioactive waste offsite as quickly as possible. Lack of flexibility could actually increase the cost and time needed for decommissioning. Edison requests that disposal of low level radioactive waste be explicitly mentioned as a legitimate use of decommissioning funds by the NRC in their policy statement without the need for a 60-day waiting period.

The policy statement states that "A licensee that has not yet completed its (Section) 50.82 decommissioning plan would have to provide other documentation to demonstrate that its proposed activities were clearly decommissioning activities". Edison believes that low level radioactive waste disposal is clearly a decommissioning activity because it reduces residual radioactivity at the site and, therefore, no special review should be needed at the time of disposal.

Other than the comments on availability of decommissioning trust funds for disposal of low level radioactive waste generated during operation and the related limitation on the use of decommissioning funds to permanently shut down reactors or for costs related to the decommissioning plan, Edison feels that the remaining discussion by the NRC Staff is reasonable and in the public interest.

If you have any questions, please contact Ms. Evelyn F. Madsen at (313) 586-4205.

Sincerely,



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