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VIRGINIA POWER

Rules Review and Directives Branch  
Division of Freedom of Information and Publication Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Serial No. GL 94-080  
NL&P/EJL

G. Mencinsky  
59FR55299  
11/4/94  
(7)

Gentlemen:

**DRAFT NUREG; ISSUANCE, AVAILABILITY**  
**"REVISED ANALYSES OF DECOMMISSIONING FOR THE REFERENCE BOILING**  
**WATER REACTOR POWER STATION" (NUREG/CR-6174)**  
**FEDERAL REGISTER / Vol. 59, No. 213 / NOVEMBER 4, 1994 / p. 55299**

As described in the Federal Register, the subject draft report has been prepared for the Nuclear Regulatory Commission (NRC) by Battelle Pacific Northwest Laboratories. It presents the results of a review and reevaluation of the original boiling water reactor (BWR) decommissioning study (NUREG/CR-0672), and subsequent addenda which addressed technology, safety, and cost issues associated with decommissioning a large nuclear plant. The current study was performed to update the NUREG/CR-0672 results, and will be utilized by the NRC staff as part of its effort to determine if revisions of the decommissioning regulations are warranted.

We have reviewed the draft report and offer the following comments.

**Dry Transfer System for Spent Nuclear Fuel**

The study assumes that an acceptable dry transfer system will be available to remove spent nuclear fuel from the dry storage facility and place it into licensed transport casks when the time comes for the Department of Energy (DOE) to accept the spent nuclear fuel for disposal. We agree that this will be applicable to MPC technology when it becomes commercially available. However, we believe that it is not applicable to the storage containers in use today. This assumption seems non-conservative relative to establishing a schedule for decommissioning activities and also for estimating costs. Without a dry transfer system available, the fuel pool will be needed longer, the transfer will be more complex, and the costs will be higher.

**Dry Fuel Storage Operation Beyond Part 50 License Termination**

The study considers these costs as operations costs. We disagree. These costs should not be viewed in the narrow context of the termination date of the Part 50 license. We are concerned that it may be difficult to recover these expenses if they are

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not already included as part of the decommissioning trust collections. We agree that the ISFSI is operating. However, there is no operational electrical generation taking place on site. These activities are not discretionary. They are required to be performed in order to terminate the Part 50 and Part 72 licenses.

### **Spent Fuel Pool and ISFSI Operations Costs**

The study does not include these costs when defining the amount of money the NRC requires to be placed in the plant's decommissioning fund. This seems to be too narrow an interpretation of the regulation. The Part 50 license cannot be terminated until the spent fuel is off site or at the ISFSI (and under Part 72). Spent fuel pool operations costs following final shutdown clearly seem to be a decommissioning expense. Unless it is envisioned to have separate ISFSI decommissioning trusts, the ISFSI operations costs also seem to be legitimate decommissioning expenses since ISFSI operations after final shutdown is not contributing/supporting electrical generation on site.

### **Emptying the Spent Fuel Pool**

The study assumes that the spent nuclear fuel is removed from the pool as early as possible and placed into a dry storage facility onsite to facilitate the earliest possible decontamination and dismantlement of the reactor facility. This assumption seems overly optimistic. If the utility has to provide the storage containers, then this would probably not be the low cost option. If the DOE is relied on to provide the storage containers, it seems overly optimistic to presume that the DOE would provide the storage containers before they would be needed for shipment to the DOE. They would probably not be willing to provide the containers "early" just for storage.

### **Financial Assurance**

One of the stated purposes of the study is to reassess the basis for the minimum funding amounts required in 10 CFR Part 50 for financial assurance. However, the report's conclusions are silent on the results of this reassessment. We have a major concern regarding how the NRC may use the results of this study to modify the rule. It would have been helpful if the study report would have commented on this.

### **Are Revisions to the Decommissioning Regulations Warranted?**

We do have one specific comment regarding 10 CFR 50.75(c). This paragraph of the regulation provides the formula and methodology for calculating the periodic adjustment of the minimum required amount for financial assurance. Because of the current situation regarding low-level waste disposal, the formula and methodology utilized by the regulation seem to be inappropriate and in need of change. Merely moving this material from the rule to a Regulatory Guide, and/or merely revising the minimum required amounts in the rule will not remedy the situation. A more fundamental change seems to be needed.

Additionally, we endorse the comments sent separately to the NRC by the Nuclear Energy Institute and the Utility Decommissioning Group.

Enclosed is a copy of our letter to the NRC that provided our comments on the pressurized water reactor decommissioning costs draft reports this past year. We continue to have the concerns expressed in that letter.

We appreciate the opportunity to provide comments on the BWR draft report. Should you have any questions, please contact us.

Very truly yours,



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Enclosure

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Enclosure

Virginia Power's Comment Letter to the NRC on  
Draft NUREG/CR-5884 and Draft NUREG/CR-6054

Dated February 15, 1994