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Mr. John Hoyle, Secretary  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

DOCKET NUMBER  
PROPOSED RULE PR 2,50+51  
(60FR37374) (6)

Attn: Docketing and Servicing Branch

Subject: *Decommissioning of Nuclear Power Plants*  
60 Fed. Reg. 37374  
Request for Comments

On July 20, 1995, the Nuclear Regulatory Commission published for public comment a proposed rule, "Decommissioning of Nuclear Power Plants." These comments are submitted on behalf of Florida Power & Light Company (FPL), a licensed operator of two nuclear power plant units in Dade County, Florida, and two units in St. Lucie County, Florida.

Section III of the Supplementary Information to the proposed rule discusses six of the current regulations in 10 CFR Part 50 that would no longer be applicable at a nuclear power plant that has permanently ceased operations and permanently removed all of its fuel to a storage location outside the primary containment. These regulations apply to combustible gas control, ECCS acceptance criteria, environmental qualification, containment leakage testing, fracture prevention measures, and "anticipated transients without scram" events. The following comments address additional areas of Part 50 that should have no applicability, or limited applicability, during the decommissioning period:

• Emergency preparedness

10 CFR 50.47 should be revised to reflect that a permanently shutdown and defueled nuclear plant has a substantially reduced potential impact on public health and safety, which warrants a material reduction in the scope of offsite emergency response planning. During decommissioning, the radiological risk to the public derives primarily from the consequences of spent fuel handling accidents. Since most of the fuel in the spent fuel pool will have been cooled underwater for several years, it can for the most part be transferred to dry cask storage. Limited fuel handling during the decommissioning period, combined with the continuous reduction of the radiation source term, greatly reduces the likelihood of a fuel handling accident with offsite consequences.

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The NRC should reduce the radius of the emergency planning zones (EPZs) specified in 10 CFR 50.54(s) for both the plume exposure pathway and the ingestion pathway to account for the decreasing inventory and volatility of onsite fission products due to the continued decay of iodine and xenon isotopes important to dose considerations.

The NRC should also perform a cost/benefit evaluation of the need to continue emergency planning drills involving offsite governmental organizations.

10 CFR 50.54(t) should be revised to reduce the scope and frequency of periodic reviews of a licensee's emergency preparedness program.

- Antitrust laws

The antitrust considerations in 10 CFR 50.54(g) should be reevaluated for applicability to nuclear plant decommissioning activities.

- Requirements for licensed operators

The NRC should reconsider subsections (i), (k), (l) and (m) of 10 CFR 50.54, which address various requirements for licensed reactor operators. These requirements can be reduced or eliminated in decommissioning situations because the plant is being dismantled and reactivity changes can occur only during the initial stages of decommissioning in connection with repositioning fuel assemblies in the spent fuel pool.

- Operator requalification program

The scope of the operator requalification program referenced in 10 CFR 50.54(i), and limitations on a licensee's freedom to modify it, should be reduced at facilities undergoing decommissioning.

- Nuclear insurance

The level of insurance coverage required for a nuclear reactor licensee is specified in 10 CFR 50.54(w). Substantial modification of this regulation is needed before it is applied to power reactors that have been permanently shutdown and defueled. At the time of decommissioning, the radiological consequences (both onsite and offsite) of an accident, and the associated financial risk, are substantially reduced. In addition, plant depreciation will, in most cases, be essentially complete at the time of decommissioning, and the decommissioning trust fund will have been adjusted to reflect anticipated site specific decommissioning costs, including contingencies. Any potential radiological event that might occur during decommissioning would add only incrementally (if at all) to the cost of site remediation. The amount of insurance

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required during the decommissioning process should be based on a reasonable assessment of the incremental costs for waste disposal and site remediation in the event of further inadvertent contamination of the site.

- Station blackout

10 CFR 50.63 should not be applied during decommissioning. Initially, freshly discharged fuel assemblies are stored in the spent fuel pool and their decay heat generation rate rapidly decreases. During this time period, and using conservative analytical assumptions, it would take tens of hours without forced cooling before pool boiling would result in an appreciable reduction in water inventory. Given the low probability of the event and the long recovery time, restrictive station blackout requirements are no longer necessary.

The following comments address some of the new provisions in the proposed rule:

- Decommissioning trust fund

10 CFR 50.82(a)(7) proposes to regulate a licensee's use of, and rate of withdrawal from, the decommissioning trust fund. While NRC oversight is warranted to ensure that decommissioning activities can be funded, specifically regulating the rate of withdrawal from the trust fund may unnecessarily impede the efficiency of a licensee's decommissioning activities. The NRC's generic estimates of decommissioning costs are substantially lower than most recent site-specific cost estimates; thus, under the proposed rule, licensees would be constrained to withdraw small fractions of an unrealistically low estimate. In addition, the NRC should ensure that the language of the proposed rule does not restrict a licensee's ability to access the trust fund to remove non-radioactive structures, because most licensees do not maintain separate funds for removal of radioactive and non-radioactive structures.

The NRC should not restrict the application of the trust fund. In Florida, fund collection, management, and use are subject to scrutiny by the Public Service Commission, and periodic filings of site specific cost estimates are required by state law. Thus, NRC regulation of this area would be largely redundant. The scope of state regulatory interest encompasses decommissioning of the entire site and is not limited to radiological considerations.

- Submittal of decommissioning plans

Reactor sites with two or more nuclear units should be encouraged to submit a single Post Shutdown Decommissioning Activities Report (see proposed 10 CFR 50.82(a)(4)) and a single license termination plan (see proposed 10 CFR 50.82(a)(8)) rather than separate plans for each reactor. Integrated site planning and report submittals will

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promote more efficient use of both NRC and licensee resources.

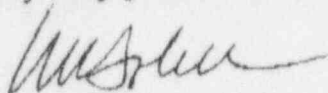
- Parallel rulemaking on radiological criteria for decommissioning

The proposed 10 CFR 50.82(a)(8)(iii) establishes a requirement for NRC to schedule a public meeting in the vicinity of the site after receipt of the license termination plan. Similarly, the proposed rule on radiological criteria for decommissioning (59 FR 43200, August 22, 1994) contains various requirements for meetings and advisory boards. The two rules should be coordinated to avoid redundant meeting requirements.

In addition to the above comments, FPL strongly endorses the comments submitted by the Nuclear Energy Institute and by the firm of Morgan, Lewis & Bockius.

FPL appreciates the opportunity to comment on this proposed rule.

Very truly yours,



W. H. Bohlke  
Vice President  
Nuclear Engineering and Licensing

WHB/spt