



DSI-24
(21)

December 2, 1996
LD-96-057



Mr. John C. Hoyle
Secretary of the Commission
U.S. Nuclear Regulatory Commission
ATTN: Chief of Docketing and Services Branch
Washington, DC 20555-0001

Subject: Comments on the NRC Strategic Assessment and Rebaselining Initiative

Dear Mr. Hoyle:

In response to the invitation to the public and stakeholders to submit comments by December 2, 1996, please find attached Combustion Engineering, Inc.'s (ABB-CE's) comments on each of the direction setting issues identified by the NRC staff.

ABB-CE commends the Commission for undertaking this comprehensive systematic assessment of its future role. Since the NRC came into being in 1975, the industry that it regulates has substantially matured in a technical sense, and it follows that the role of the regulator must adapt to that maturation. In addition, the commercial environment for the industry is just beginning to move toward deregulation, which brings new factors into play.

The move toward risk-informed, performance-based regulation is to be encouraged. The future competitive environment for electrical generators makes it imperative to free safely operating nuclear plants of unnecessary regulatory burdens. This requires the NRC to acknowledge in deed, as well as in word, that the safety performance of the industry as a whole has been steadily improving over more than a decade. It means relooking at the philosophy of regulating the new Advanced Light Water Reactor designs such that their vastly improved safety features result in added margin from regulatory requirements rather than tightening the regulations to enforce the new safety levels. If the Commission is unable to acknowledge these safety improvements through revamped regulation and enforcement, the nuclear industry will be unable to compete in the future marketplace.

We would encourage that a very careful evaluation be made of the input which will be received and that the necessary time and attention be provided to make the

ABB Combustion Engineering Nuclear Systems

U.S. NUCLEAR REGULATORY COMMISSION
DOCKETING & SERVICE SECTION
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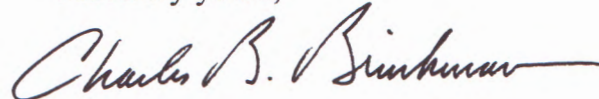
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difficult, but extremely important, decisions. We would also recommend that the Commission consider the use of stakeholder committees in helping to further develop the options available to the Commission and to develop plans for successfully carrying out the new directions chosen by the Commission.

Thank you for the opportunity to submit our input to this critical process. Please contact me at 301-881-7040 if you have any questions related to our input.

Sincerely yours,



Charles B. Brinkman
Director, Nuclear Licensing

Attachments:

1. ABB-CE Comments on DSI-2
2. ABB-CE Comments on DSI-4
3. ABB-CE Comments on DSI-5
4. ABB-CE Comments on DSI-6
5. ABB-CE Comments on DSI-7
6. ABB-CE Comments on DSI-9
7. ABB-CE Comments on DSI-10
8. ABB-CE Comments on DSI-11
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11. ABB-CE Comments on DSI-14
12. ABB-CE Comments on DSI-20
13. ABB-CE Comments on DSI-21
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15. ABB-CE Comments on DSI-23
16. ABB-CE Comments on DSI-24

cc: S. Floyd (NEI)
S. Magruder (NRC)

DSI #24: Decommissioning - Power Reactors

DSI - What should be the NRC's strategy for regulating decommissioning activities at power reactor sites?

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

The DSI on Decommissioning of Power Reactors accurately portrays the current environment in which several more premature reactor decommissionings should be anticipated in addition to those already announced and an environment in which deregulation will potentially compromise the ability of some utilities to set aside funding for decommissioning.

Generic Question #2 - How accurate are the NRC's assumptions and projections for internal and external factors discussed in the issue papers?

Currently, 17 power reactors are in various stages of the decommissioning process. The paper anticipates perhaps 3 to 5 additional reactors ceasing operation in the next five years. Thus the problem is current and growing rapidly over the next decade. If anything, the paper probably underestimates the potential size of the problem.

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

Three major rulemaking activities are currently under way and are projected to complete over the next two years. At that point, decommissioning would be "firmly established in the rules." The proposed NRC approach appears to be business as usual with three main rules and five supporting rules, followed by regulatory guides, standard review plans, standard technical specifications, inspection manuals and implementation plans. On page 14 of the paper, the Commission endorses business as usual, but apparently wants "to explore more innovative approaches." ABB-CE encourages the Commission to be more innovative, otherwise we will be into an expensive multi-year (decade?!) process of deciding what the rules and regulations are. There appears to be no guidance or initiative to explore regulations scaled down to be commensurate with the reduced risk relative to power operation. There should be some way to package all of the rules and move ahead more quickly, with implementing regulations being developed in parallel.

Option preferred by ABB-CE:

ABB endorses Option 1 with the caveat that additional attention must be given to seeking innovative and less burdensome regulatory approaches. In particular, the NRC should consider adopting a risk based approach which would impose a level of regulation commensurate with the degree of risk to the health and safety of the general public.

General Comments:

ABB offers the following additional comments:

1. ABB notes that the national laboratories are involved, including in some areas that appear more financial than technical. We think this is a mistake. If the NRC needs help on the financial side, they should select financial consultants. Also, the industry should be more involved in developing the solutions to this issue.
2. Without ready access to low and high level waste sites, decommissioning will drag on for decades. Although not a primary responsibility of the NRC, it should be highlighted as an urgent problem to be resolved.
3. The overlap/dispute with the EPA must be resolved (page 10). Currently EPA has a separate rule on the cleanup of nuclear facilities.