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November 27, 1996
NRC-96-0103

DSI-24
(25)



Mr. John C. Hoyle
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington D. C. 20555-0001
Attention: Chief, Docketing, and Service Branch

Subject: NRC Strategic Assessment and Rebaselining
(61 Federal Register 52475; October 7, 1996)
Request for Comments

Detroit Edison has reviewed the Direction Setting Issue (DSI) papers DSI 24, DSI 06, and DSI 05, which form a part of the NRC Strategic Assessment and Rebaselining Initiative and offers the following comments:

DSI 24: Decommissioning - Power Reactors

In general, the issue paper captures the current decommissioning situation. The paper needs to be updated to reflect the issuance of the Decommissioning Rule in July and that the physical protection rule was not published in September. A general editorial review would be beneficial to improve the presentation of information.

Based on other industry and NRC situations and initiatives, NRC should plan for more than 3-5 power reactors to be shut down in the next 5 years and should allocate resources accordingly.

Detroit Edison believes the NRC should more aggressively pursue establishing radiological release criteria and more realistic guidance for final surveys. Currently, the lack of guidance creates uncertainty, difficulty in decision-making and increased costs. Also, the costs associated with a final survey have become significantly more than NRC-sponsored and other cost studies predict.

Decommissioning rulemaking needs to take into account that all shutdown reactors are not large, recently shutdown plants. There are power reactors that have been shut down for more than 20 years and that last operated in a different regulatory

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climate. Recent rulemaking attempts to standardize the requirements for future shutdowns are helpful, but the impact on previously shutdown plants is not recognized or addressed. For example, the upcoming rulemaking on staffing levels needs to consider various plant situations. Minimum staffing numbers are inappropriate for the older plants which have no fuel stored onsite. If covered by the upcoming rule, flexibility on how to staff the functions should be considered.

Lastly, decommissioning funding is becoming extremely complex, with requirements being imposed by state PUCs, FERC, SEC, IRS and FASB, as well as the NRC. The NRC should be careful not to add further complexity without there being a true benefit. Any simplification or harmonization would be helpful.

DSI 06 - High Level Waste and Spent Fuel

The issue paper captures the high level waste (HLW) issue, though the full safety and public opinion issues of needing a place to demonstrate that high level waste can be safely disposed of is not captured. Not having a disposal facility diverts the attention of reactor licensees to expansion of onsite storage capability from safely operating the reactors.

The political, public, and licensing aspects of building dry cask storage or expanding fuel pool storage takes resources and management attention. This is an unaddressed consequence of not having a permanent disposal facility. This issue paper should be updated to reflect that no bill was signed this year on HLW.

Detroit Edison believes that the NRC should pursue a combination of Options 1 and 2. The HLW program, including its budget, needs to be stabilized and the NRC should play a role by speaking out on the need for a HLW facility and the need to spend the funds collected for HLW solely for that purpose. The NRC should speak from the viewpoint of nuclear safety necessitating proper disposal. The idea of a separate agency or group responsible for the HLW facility development and operations makes some sense, based on the current lack of progress. Detroit Edison believes the NRC should remain responsible for regulating and licensing the facility. Greater than Class C (GTCC) waste needs to be addressed and provisions made for disposal at the HLW facility. Detroit Edison agrees with the NRC's determination to improve issue resolution and review NRC comments before providing them to DOE to ensure a consistent message is sent.

DSI 05 - Low Level Waste

The summary for DSI 05 needs to be changed since the current summary addresses agreement states as opposed to low level waste.

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Overall, Detroit Edison believes this issue paper is too optimistic regarding the continued availability of low level waste disposal. Existing disposal facilities are not guaranteed to stay open for 10 more years. For other than very low level waste, there is only one disposal site that will accept waste from most of the country. This does not allow us to feel comfortable about the current status of LLW disposal, nor that the aims of the LLRWPA have been met. Until every facility in this country has a place to permanently dispose of LLW, the health and safety of the public is not well protected. Extended interim storage can lead to building new onsite facilities or storing waste in less than optimal locations, especially at small facilities. The NRC should more actively assist states and compacts in providing technical and policy assistance.

Detroit Edison believes aspects of Option 1 and 2 are preferable than either option alone. The NRC should take a stronger advisory role, should assist developers in resolving concerns, and should act as an expert witness to Congress and the states on the need for LLW disposal from a safety perspective. The NRC can also work on better harmonizing LLW and hazardous waste regulation so mixed waste can be better addressed.

Detroit Edison does not think DOE should take over LLW disposal. DOE has not yet succeeded with HLW, so why add to their burden. Option 5, which is development of assured storage, just postpones the problem and should not be adopted.

As nuclear plants start decommissioning, more waste is going to be generated. This is yet another reason to advocate development of LLW disposal, to assure future availability at the time of decommissioning.

We appreciate the extension of the comment period and the opportunity to comment on these issues. Please contact Lynne S. Goodman, Director, Fermi 1 at (313) 586-1205 if there are any questions regarding our comments.

Sincerely,



cc: Document Control Desk