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October 12, 1995
NRC-95-0107

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

DOCKET NUMBER
PROPOSED RULE PR 2,50+51
(60FR37374) (5)

References: 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43

2) NRC Proposed Rule, 10 CFR 2, 50 and 51: Decommissioning
of Nuclear Power Reactors, 60 FR 37374, dated July 20, 1995

Subject: Detroit Edison Comments on the Proposed Rule on Decommissioning
of Nuclear Power Plants

The purpose of this letter is to provide Detroit Edison's following comments on the subject proposed rule on decommissioning (Reference 2):

The proposed rule does a good job of identifying which regulations are not applicable to shutdown facilities. However, the rule appears geared to permanently shutdown reactors with fuel onsite, and does not differentiate well what aspects no longer apply once the fuel is removed from the reactor site. An example of this concerns emergency action authority - the authority has been expanded to include a certified fuel handler. If the reactor has been defueled, there are no longer certified fuel handlers or senior reactor operators on the site. Since this rule intends to codify what regulations apply to decommissioned reactors, rather than having the determination made on a case-by-case basis, regulations or applicable requirements for reactors that no longer have fuel onsite should be covered. Another example is that periodic updating of the Final Safety Analysis Report does not make sense for reactors without fuel onsite.

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The new proposed 50.59 questions are an improvement for permanently shutdown reactors. However, they should replace rather than supplement the existing 50.59 criteria. Why should there be more activities that a licensee for a shutdown reactor cannot do without NRC approval than for an operating reactor? This comment applies whether or not fuel is onsite, but the existing 50.59 questions are rarely appropriate for activities performed on facilities which have no fuel.

The final rule should address the applicability of the changes to plants previously shutdown. If existing decommissioned facilities are grandfathered from any part of the proposed rule, the notice should clearly identify so. Detroit Edison believes that reports previously filed as part of the decommissioning process fulfill the intent of the newly proposed reports for plants permanently shutdown and so there is no need to file new reports. That would be a wasteful burden for facilities such as Fermi 1.

The proposed rule addresses withdrawal of funds from decommissioning trust funds. The use of such funds should be explicitly expanded to include disposal of radioactive waste from plant operations, provided monies for such purpose are accumulated in decommissioning trust funds. In the future, access to low level waste disposal sites may become more limited and licensees may need to store operational waste onsite. Disposal of such waste during final decommissioning or when a waste disposal site becomes available will be necessary to eventually satisfy criteria for decommissioning. Therefore, use of monies for this purpose should be explicitly recognized in the rule.

If you have any questions, please contact Mr. Girija S. Shukla at (313) 586-4270.

Sincerely,



L. S. Goodman
Director, Nuclear Licensing

cc: T. G. Colburn
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