



Babcock & Wilcox

a McDermott company

DOCKET NUMBER
PETITION RULE ~~PRM~~ 30-61
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Naval Nuclear Fuel Division

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November 4, 1996
96-118



Secretary
ATTN: Docketing and Service Branch
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Reference: Docket No. PRM-30-61

Gentlemen:

Babcock & Wilcox, Naval Nuclear Fuel Division, (B&W) submits the following comments regarding the referenced Petition for Rulemaking that was submitted by the Nuclear Energy Institute (NEI).

B&W agrees with and supports the petition. It is our belief that 10 CFR 70.38, as it currently exists, is too intrusive into the business aspects of licensee operations. In many cases, facilities, or separate outdoor areas which are currently not being used may be needed to remain competitive for future business ventures. Decommissioning to fulfill 10 CFR 70.38 requirements is not necessarily good business unless the facilities or areas have reached the end of useful life. The licensee is in the best position to judge when the "end of useful life" has been reached. 10 CFR 70.38 does provide for requesting a delay in decommissioning, however, requiring the licensee to justify retaining unused facilities is an unnecessary and expensive exercise for both the licensee and the NRC. NRC already has assurance that funds will be available for decommissioning at the end of plant life and regulations and license conditions to assure the protection of the public health and safety.


The referenced petition permits licensees to leave dormant facilities in place by maintaining financial assurance for decommissioning, providing a monitoring and maintenance program to ensure the continued protection of public health and safety, and providing financial assurance to support the monitoring and maintenance program. B&W believes that the proposed rule change will provide NRC with the means to assure protection of the public and the environment from dormant facilities or separate outdoor areas while also permitting licensees to retain valuable assets necessary to secure future business. We encourage the Commission to adopt the NEI proposed rule change.

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November 4, 1996

Sincerely,

A handwritten signature in cursive script, appearing to read "Arne F. Olsen".

Arne F. Olsen
Licensing Officer