

STATE OF ILLINOIS
DEPARTMENT OF NUCLEAR SAFETY

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George H. Ryan
Governor

Thomas W. Ortziger
Director

August 23, 2000

DOCKET NUMBER
PETITION RULE PRM 72-5
(65FR36647)

Secretary
U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudication's Staff
Washington, D.C. 20555

Dear Madam Secretary:

The Illinois Department of Nuclear Safety (IDNS) appreciates the opportunity to comment on the Nuclear Energy Institute's petition for rulemaking (PRN 72-5) concerning licensing of spent fuel storage casks. IDNS believes that simplifying the licensing process for spent fuel storage casks, and bringing NRC requirements into alignment with U.S. Department of Transportation requirements is advisable. The proposal to approve Certificates of Compliance (COC) without the need for rulemaking is also a useful undertaking.

We are uncertain about outcome of the proposed use of the 10CFR72.48 process for making amendments to existing COCs. Examples were provided in the Federal Register notice of changes that would likely not involve significant impact consideration under 10CFR72.48. Examples posed as involving non-significant changes, such as; expanding cask capacities, adding more reactive fuel and compensating with different poison configurations, and increasing allowable leak rates, do not seem non-significant to us. Without benefit of the proposed regulatory guidance document referenced in the notice, making these kinds of safety determinations is difficult. Further uncertainty results from the NRC's recent request for public comment on proposals for storing greater-than-class-C low-level radioactive waste (GTCC) at independent spent fuel storage installations (ISFSIs), including potentially co-mingling GTCC waste with spent fuel in the same storage casks.

As a result of the obvious uncertainties and concerns related to these proposals, NRC needs to add one or more additional elements to this proposal. Criteria by which NRC will decide what changes are or are not significant need to be identified. Preferably this would be included in the rule rather than a guidance document. Alternatively, the



Secretary of the Commission

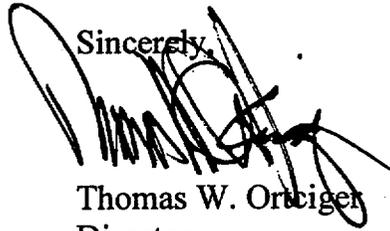
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States must be consulted on COC amendment applications, as is currently the practice for reactor license amendments under Part 50.

IDNS thanks you for the opportunity to comment. If you have any questions, please call Mr. Gary Wright of my staff at (217) 785-9851.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas W. Ortiger', is written over the word 'Sincerely,'.

Thomas W. Ortiger
Director

TWO:sld