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OFFICE OF THE
GENERAL COUNSEL
ADJUDICATIONS

DOCKET NUMBER
PROPOSED RULE **PR 72-150**
(65 FR 37712)

SECRETARY
UNITED STATES NUCLEAR REGULATORY COMMISSION
Attention: Rulemakings and Adjudications Staff
Washington, DC 20555-0001

References: (a) Docket No. PRM-72-2, RIN 3150-AG33; Federal Register: June 16, 2000

Subject: Proposed Rule "Interim Storage for Greater than Class C Waste" (GTCC)

Gentlemen:

In reference to the above notice of proposed rulemaking, Maine Yankee is hereby providing its comments.

As proposed, the rulemaking would allow licensing for interim storage of GTCC waste in a manner that is consistent with licensing for interim storage of spent fuel, would maintain Federal jurisdiction for storage of reactor-related GTCC waste, and would simplify and clarify the licensing process.

Maine Yankee is currently in the process of decommissioning its nuclear facility and constructing an Independent Spent Fuel Storage Facility (Docket No. 72-30) under the general license provisions of 10 CFR 72. Maine Yankee intends to store approximately 200 cubic feet of GTCC in its facility under the provisions of 10 CFR 50. This GTCC will consist of reactor internals components and will be stored in segregated NAC-UMS transportable canisters similar to those used for storage of spent fuel. We fully endorse the NRC staff effort to include Greater Than Class C (GTCC) waste storage within the scope of 10 CFR 72.

Maine Yankee will not likely be able to terminate its 10 CFR 50 license under the current set of federal and State of Maine statutes while GTCC remains on site. Under current State of Maine statutes (an Agreement State), specific legislative approval is required by Private and Special Act to authorize establishment and/or operation of high and low level radioactive waste storage facilities. This legislative approval is in addition to voter approval set forth in other state statutes. These state statutes would be triggered upon application for a state-issued Part 30 license.

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The above referenced proposed rulemaking requested comments concerning a specific set of questions. Regarding Question 6, Maine Yankee offers the following comments:

Question 6. If reactor licensees, after termination of their 10 CFR Part 50 license, elect to store reactor-related GTCC waste under the provisions of 10 CFR Parts 30/70, is additional guidance needed to provide a more efficient licensing process?

The licensing of reactor-related GTCC under the provisions of 10CFR Parts 30/70 (and thus the election to store under Parts 30/70) must, by regulation, be completed prior to the termination of the Part 50 license. For Maine Yankee, under the current federal and state statutes, this is not likely to ever occur. The current regulations clearly promote dual regulation. Although one could argue that with additional guidance the NRC could effectively collaborate with an Agreement State in the regulation of a single facility in a cooperative effort, the experience of Maine Yankee with multiple expectations and standards associated with radiological license termination criteria indicates otherwise. The NRC resources should be spent on legislative and regulatory changes that eliminate dual regulation and set one standard protecting the health and safety of the public.

Finally, Maine Yankee fully endorses the comments sent separately to the NRC by the Nuclear Energy Institute. We appreciate the opportunity to provide comments on their petition for rulemaking.

Very truly yours,

George A. Zinke
Director, Nuclear Safety and Regulatory Affairs
Maine Yankee