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Division of Solid and Hazardous Materials
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 PROPOSED RULE **PR 72+150**
 (65 FR 37712) ADJ

Via Faxed & Mailed

AUG 30 2000

Ms. Annette Vietti-Cook
 Secretary
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555-0001

Attn: Rulemakings and Adjudications Staff

Dear Ms. Vietti-Cook:

Post-it® Fax Note	7671	Date	8/30	# of pages	2
To	Annette Vietti-Cook		From	Paul Merges	
Co/Dept.	U.S. NRC		Co.	NYS DEC	
Phone #			Phone #	518-457-9253	
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Re: Proposed Rule for Interim Storage for Greater Than Class C Waste

We have reviewed the proposed rule that would amend 10 CFR Parts 72 and 150 to address the issue of interim storage for greater than Class C waste. This proposed rule was published in the Federal Register on June 16, 2000 (Volume 65, Number 117).

In July of 1997, we and other cognizant New York State agencies reviewed the draft rulemaking plan for the proposed changes to 10 CFR Part 72 regarding the storage of greater than Class C waste (GTCC) at an independent spent fuel storage installation (ISFSI) or monitored retrievable storage facility (MRS). We submitted our comments to Mark Haisfield of the Regulations Development Branch on July 8, 1997.

We understand and concur with the logic of allowing utilities to store GTCC waste at an ISFSI or MRS and the need for regulatory amendments to 10 CFR Part 72 to provide for this. We agree that GTCC waste from reactors can be safely stored at an ISFSI or MRS. We also agree that it is best to avoid duplication of effort wherever desirable and feasible.

In the past there have been a number of instances where New York State (as an Agreement State) and the NRC have effectively collaborated in the regulation of a single facility. We are not aware of any problems that have resulted from this regulatory cooperative effort. We have been able to minimize duplication and maximize the value of limited resources while still allowing both regulatory entities to retain their current regulatory authority.

Template = SECY-067

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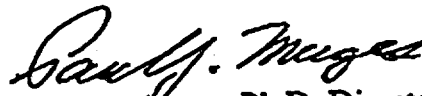
Ms. Annettee Vietti-Cook

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Relinquishment of regulatory authority could be considered on a case-by-case basis where regulatory duplication could not be minimized or an MOU could not be developed to resolve problematic issues. However, the NYS Department of Environmental Conservation cannot support the carte blanche relinquishment of regulatory authority for all facilities in New York State.

Thank you for this opportunity to provide comments on this proposed rule.

Sincerely,



Paul J. Merges, Ph.D. Director
Bureau of Radiation & Hazardous Site
Management
Division of Solid & Hazardous Materials

cc: G. Miskin, NYCDOH
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