



# Department of Energy

Washington, DC 20585

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USNRC

August 30, 2000

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Mr. William F. Kane  
Director, Office of Nuclear Material Safety  
and Safeguards

U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

DOCKET NUMBER  
PROPOSED RULE

PR 72-450  
(65 FR 37712)

SUBJECT: Request for Comment on a Proposed Rule to Store Reactor-Related GTCC  
Waste under a 10 CFR Part 72 License

Dear Mr. Kane:

In its June 16, 2000, letter to the U. S. Department of Energy (Department), the Nuclear Regulatory Commission (NRC) requested our views on its Notice of Proposed Rulemaking, Interim Storage for Greater Than Class C (GTCC) Waste, published in the *Federal Register* (65 FR 37712) on that same date. The NRC's Proposed Rule would allow storage of reactor-related GTCC waste at a Monitored Retrievable Storage facility or Independent Spent Fuel Storage Installation and would not generally allow commingling of spent nuclear fuel and GTCC waste in the same canister. This letter transmits the Department's general comments on the proposed rulemaking.

The Department has two general comments on the proposed rule. First, the Department believes that the NRC's characterization of non-fuel bearing components that were or are integral to spent nuclear fuel assemblies as GTCC waste is not accurate or consistent with existing regulations. The NRC should correct its proposal and supplementary information to indicate that these non-fuel bearing components are characterized as spent nuclear fuel and regulated accordingly. Such a revision would be consistent with the definition of spent nuclear fuel currently in 10 CFR Part 72, which defines spent nuclear fuel as including "...other radioactive material associated with fuel assemblies" as well as the Department's *Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste* (10 CFR Part 961).

Second, the Department supports the NRC's position that commingling of non-fuel bearing components originating from or utilized in spent nuclear fuel assemblies with such spent nuclear fuel assemblies is acceptable. Further, absent a health and safety concern, the Department does not object to commingling of GTCC and spent nuclear fuel for storage purposes. However, without a determination by the NRC that GTCC waste is high-level radioactive waste for purposes of the Nuclear Waste Policy Act, the Department shares NRC's concern that canisters of commingled GTCC waste and spent nuclear fuel may need to be reopened and the GTCC waste separated from spent nuclear fuel by the waste owner or generator, prior to disposal. A decision by the waste owner or generator to commingle GTCC waste and spent nuclear fuel should include consideration of the potential additional costs and



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radiological exposures associated with reopening a canister and removing the GTCC waste prior to acceptance by the Department of the spent nuclear fuel.

The Department appreciates the opportunity to comment on the Proposed Rule. Should you have any questions concerning our comments, please contact Ms. Nancy Slater Thompson at 202-586-9322.

Sincerely,

*Ronald A. Milner*  
for Ivan Itkin, Director  
Office of Civilian Radioactive  
Waste Management

cc:

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