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RS-00-80

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

August 30, 2000

Secretary
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications Staff

Subject: Response to Request for Comments on Proposed Rule "Interim Storage for Greater Than Class C Waste"

References: (1) Volume 65, Federal Register, Page 37712 (65 FR 37712), dated June 16, 2000

(2) Nuclear Energy Institute (NEI) letter, "Industry Comments in Support of Proposed Rule, 'Interim Storage for Greater Than Class C Waste (GTCC)'" dated August 30, 2000

Commonwealth Edison (ComEd) Company appreciates the opportunity to comment on the proposed rule, identified in Reference 1. This letter provides our comments in response to Reference 1. ComEd supports this proposed rule that would add an option for current 10 CFR Part 50 licensees to store greater than Class C (GTCC) waste under the provisions of a 10 CFR Part 72 specific license after termination of the 10 CFR Part 50 license. ComEd has been actively involved with the NEI on this issue and fully endorses the industry comments submitted by the NEI in Reference 2.

ComEd considers that GTCC waste should remain regulated by the NRC during the interim period after reactor shutdown and prior to disposal. As the NRC has regulatory authority prior to reactor shutdown, and for the disposal of GTCC waste, there is no benefit to public safety and there is only a burden placed upon public resources to have regulatory responsibility shift to State authorities during this time.

ComEd considers that specific reactor components associated with, and integral to, spent fuel can be safely stored in the same cask with spent fuel. These components, which are frequently moved from assembly to assembly during their useful lives, would generally require disposal as GTCC waste if they were segregated from spent fuel assemblies for disposal.

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ComEd considers that commingling solid GTCC waste and spent fuel in the same physical package should be allowed. The Department of Energy (DOE) has indicated in the "Viability Assessment of a Repository at Yucca Mountain Volume 2," December 1998, that it is their design intention to open packages of commercial spent fuel received at the Yucca Mountain geologic repository. In this situation, DOE clearly has the opportunity to segregate GTCC waste canisters from spent fuel with little impact upon operations.

Additionally, commingling of GTCC-bearing waste canisters with spent fuel allows for safer and more efficient management of GTCC waste. Under certain circumstances, during the first 20 or more years after reactor shutdown, a spent-fuel-size canister of neutron-activated solid GTCC waste, on a weight basis, can produce higher radiation doses than a spent fuel assembly. If commingling of GTCC waste and spent fuel were allowed in the same container, the GTCC waste could be placed in the center of the container and surrounded by spent fuel bundles which would provide additional shielding for the highly radioactive GTCC waste.

ComEd encourages the NRC to consider developing criteria for commingling other than solid GTCC waste with spent fuel.

If you have any questions or require additional information please contact K. A. Ainger at (630) 663-7350.

Respectfully,



R. M. Krich
Vice President - Regulatory Services