DOCKET NUMBER
PROPOSED RULE PR-60 (83)
(52 FR 5992)

NORTHEAST UTILITIES

THE CONNECTICUT LIGHT AND POWER COMPANY
WESTERN MASSACHUSETTS ELECTRIC COMPANY
HOLYOKE WATER POWER COMPANY
NORTHEAST UTILITIES SERVICE COMPANY
NORTHEAST NUCLEAR ENERGY COMPANY

General Offices • Selden Street, Berlin, Connecticut

P.O. BOX 270
HARTFORD, CONNECTICUT 06141-0270
(203) 665-6000

87 JUL -7 P1 :22

July 2, 1987

Docket Nos. 50-213
50-245
50-336
50-423
B12580

Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attn: Docketing and Service Branch

Gentlemen:

Haddam Neck Plant
Millstone Nuclear Power Station, Unit Nos. 1, 2 and 3
Comments on Advance Notice of Proposed Rule
Definition of High-Level Radioactive Wastes

On February 27, 1987,(1) the Nuclear Regulatory Commission (NRC) published for public comment an Advance Notice of Proposed Rulemaking (ANPR) which would modify the definition of high-level radioactive waste in order to follow more closely the statutory definition in the Nuclear Waste Policy Act (NWPA) of 1982. Connecticut Yankee Atomic Power Company (CYAPCO) and Northeast Nuclear Energy Company (NNECO) respectfully submit the following comments on the ANPR.

Our comments pertain to the "Activated Metals" section of the Appendix to the ANPR, in which it is stated:

1. "Other than perhaps a few isolated cases, all of the spent fuel assemblies are being stored by licensees with the hardware still attached."

2. "Disposal responsibility [of the activated hardware] becomes less clear if licensees, seeking more efficient on-site storage, consolidated fuel themselves."

NNECO and CYAPCO do not believe that it is appropriate for the NRC to speculate in rulemaking proceedings related to the definition of a technical term either on: (a) statutory/contractual matters concerning implementation of the

(1) 52 Federal Register 5992, February 27, 1987

1/0

JUL 9 1987

DSIO
Add: W.C. Fields, NL-005
J. Parks, H-1016

NWPA or (b) the degree of success that a given technology will enjoy. Therefore, we respectfully request that the pertinent paragraphs containing the above quotations be deleted or revised to reflect the discussion below.

The cited Appendix contains information that would suggest the antithesis of item (2) above. Specifically, the Appendix states that consolidation of fuel "enables more economical storage and easier handling for transport and disposal." Indeed the potential benefits of reduced fuel shipments resulting from a national at-reactor consolidation program can be substantial. There would also be positive benefits for state traffic considerations, cask manufacturing costs and capacity requirements as well as system transportation and operation costs. Accordingly, the volume of activated materials resulting from spent fuel consolidation activities may come from more than a "few isolated cases."

The United States Department of Energy (DOE) has anticipated performing consolidation activities at a monitored retrievable storage (MRS) facility to achieve shipping and handling benefits relative to transportation to and disposal in a repository. These benefits are of a similar nature to those which would also accrue for at-reactor consolidation prior to shipment to an MRS or a repository. The Federal Government is responsible for disposal of the scrap derived from utilities' fuel that would be consolidated at an MRS or a repository, and must be similarly responsible for disposal of fuel hardware derived from at-reactor consolidation programs.

Finally, the DOE, itself, has sought to clarify that it intends to accept consolidated fuel assemblies, including the non-fuel components removed during consolidation for disposal (letter from R. H. Bauer, DOE, to J. B. Hall, Utility Nuclear Waste Management Group, dated September 13, 1985, attached). The NRC's rulemaking should be consistent with the DOE's stated intention.

We trust that these comments will be useful in finalization of the proposed rule.

Very truly yours,

CONNECTICUT YANKEE ATOMIC POWER COMPANY
NORTHEAST NUCLEAR ENERGY COMPANY

E. J. Mroczka
Senior Vice President

cc: W. T. Russell, Region I Administrator
M. L. Boyle, NRC Project Manager, Millstone Unit No. 1
D. H. Jaffe, NRC Project Manager, Millstone Unit No. 2
R. L. Ferguson, NRC Project Manager, Millstone Unit No. 3
F. M. Akstulewicz, NRC Project Manger, Haddam Neck Plant
T. Rebelowski, Resident Inspector, Millstone Unit Nos. 1 and 2
J. T. Shedlosky, Resident Inspector, Millstone Unit No. 3
P. D. Swetland, Resident Inspector, Haddam Neck Plant
B. C. Rushe, Director, DOE Office of Civilian
Radioactive Waste Management

Department of Energy
Washington, DC 20585

SEP 18 1985

James B. Hall, Director
Utility Nuclear Waste Management
Group
1111 19th Street, N.W.
Washington, D.C. 20036

Dear Mr. Hall:

This is in response to your letter of August 21, 1985 to Mr. Rusche, which requested clarification of two aspects of the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste.

With regard to "other than standard fuel" - it is the Department's intent that all currently designed nuclear fuel, including that falling outside the maximum physical dimensions specified in Appendix E, will be subject to the same scheduling procedures. It is also the Department's intent that consolidated fuel assemblies, including the non-fuel components removed during consolidation (control spiders, thimble plugs, neutron sources, etc.), may be delivered for disposal in accordance with the Standard Contract subject to the same scheduling procedures as for other spent fuel. Further, such consolidated fuel assemblies and associated non-fuel components canned in a container provided by or approved by the Department, will be treated as the equivalent of one fuel assembly for acceptance priority allocation purposes provided that this does not reduce the acceptance rate of other contract holders. Failed fuel canned in a container provided by or approved by the Department also will be subject to the same scheduling procedures as other spent fuel.

With regard to proof of ownership - the following two statements supplied with Appendices C and D respectively will meet the proof of ownership requirements of the Standard Contract:

> Purchaser hereby certifies that the Spent Nuclear Fuel to be delivered pursuant to this Delivery Commitment Schedule has been discharged from a Civilian Nuclear Power Reactor covered by Purchaser's contract No._____ and that Purchaser has the legal right to deliver such Spent Nuclear Fuel to DOE for disposal.
>
> Purchaser hereby certifies that the Spent Nuclear Fuel to be delivered pursuant to this Final Delivery Schedule has been discharged from a Civilian Nuclear Power Reactor covered by Purchaser's contract No. _____ and that Purchaser has the legal right to deliver such Spent Nuclear Fuel to DOE for disposal.

If I can be of further assistance in this regard, please do not hesitate to contact me.

Sincerely,

Robert H. Bauer

Robert H. Bauer
Associate Director for
Resource Management
Office of Civilian Radioactive
Waste Management